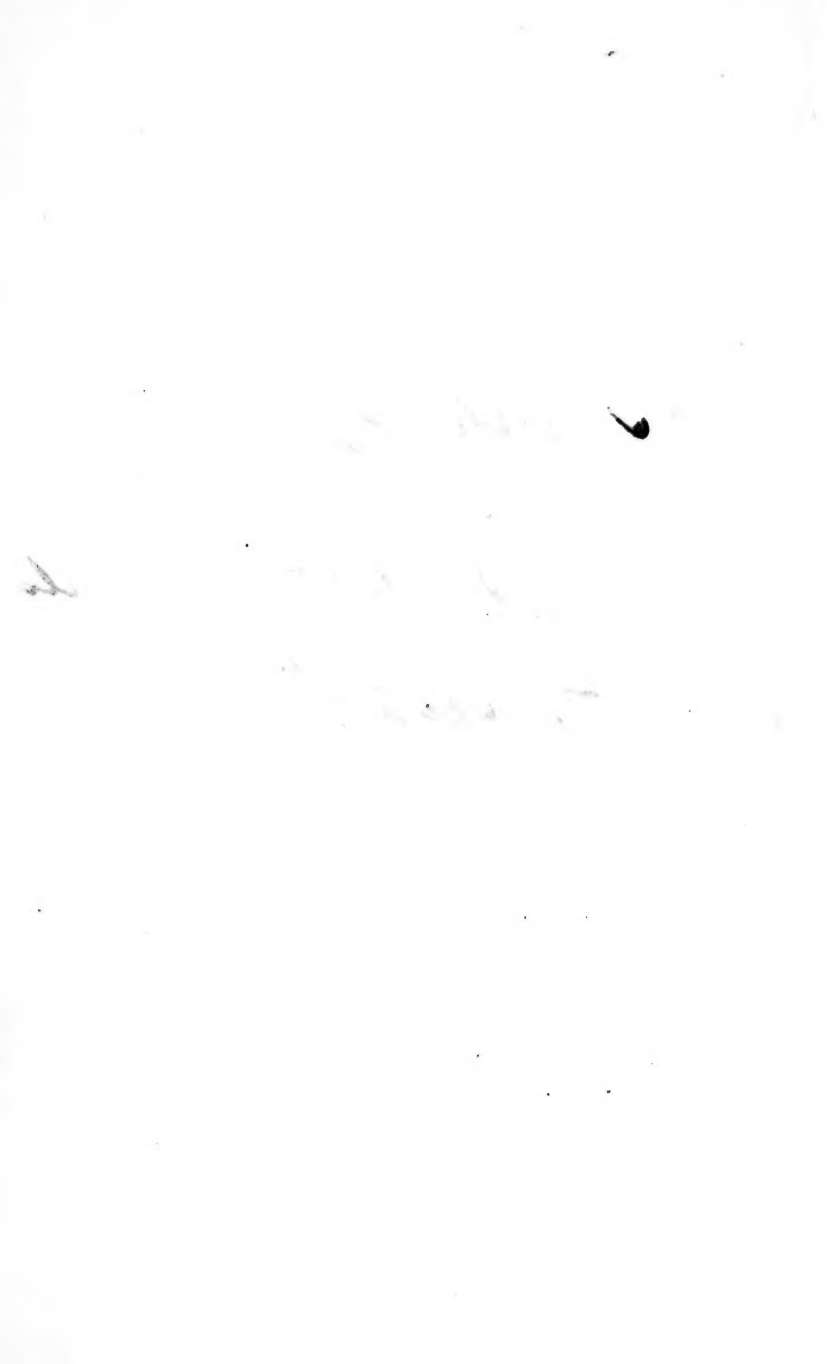




Ready Reference Manual
OF THE
STATUTE LAWS
OF THE
STATES AND TERRITORIES
— IN —
THE UNITED STATES
AND THE
PROVINCES OF CANADA,
ALONG WITH NATIONAL, INTERNATIONAL LAWS, AND MISCELLANEOUS INFORMATION.

A PLAIN, COMMON SENSE SYNOPSIS OF LAWS IN DAILY USE
THAT EVERY PERSON WANTS TO KNOW.

“IGNORANCE OF THE LAW EXCUSES NO ONE.”

COMPILED BY
E. E. KNOTT,
Burlington, Vt.

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"No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty or property without due process of law; nor deny any person within its jurisdiction the equal protection of the law'."

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PREFACE.

In this compilation, we have aimed at no greater success than to combine under one cover, information that is useful to every person, chiefly in a financial point of view, but in an instructive sense as well. The accuracy of the contents has been our most diligent care throughout, and although it is not intended as a text book, or other than for the use of the laity, it will be found a useful attribute to any lawyer's library. The information comes from the best and most reliable sources within each State and Territory and the Provinces of Canada; and is abridged and arranged to give the reader the knowledge required, without lengthy research; at the same time without being so condensed as to be useless as a guide. We have not spread out our wings, to merely catalogue by names a myriad of things, for names sake, preferring to complete a less castle and make it furnished and homelike to the understanding of a knowledge-seeking public.

The work, although not intended to be an international one, contains more information of that character than any similar publication copyrighted in either country to-day; and many features that cannot be found in any publication, outside of it.

It is our first ambition to give value and money-saving merit to it, consistent with the price; if we have not accomplished that, we deserve no better reward than failure in our undertaking.

Burlington, Vermont, April 10, 1889.

E. E. KNOTT.



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COLLECTION LAWS

—OF THE—

States and Territories in the United States

—AND—

Provinces of the Dominion of Canada, Including the Following:

PART I. Assignments and Attachments.

PART II. Exemptions and Limitations.

PART III. Commercial Paper.

PART IV. Interest, Legal and Illegal.

PART V. Arrest and Imprisonment for Civil Debt.

PART I—CHAPTER I.

Alabama.—All assignments made by bonds; suits commenced, decrees or judgments suffered to be made with connivance and fraudulent intentions, are void. Every deed of trust, mortgage, or other security given to any pre-existing creditor is void as to existing creditor; preferential assignments shall in every case inure to the benefit of all creditors.

Arizona.—The same laws as California.

Arkansas.—All assignments to be valid in law, must be filed in the Probate Clerk's office; assignees shall immediately furnish bonds to the satisfaction of the Judge of Probate, in double the value of what the assets of the assignors will inventory; creditors shall have the right to demand an auction of the assets, within 120 days after the inventory is filed with the Judge of Probate, according to the statute.

California.—There is no statute providing for assignments. *Attachment summons* may issue upon affidavit and undertaking in the following cases: 1. Contracts implied, or expressed for the payment of money within the State, and not otherwise secured by mortgage, lien, or personal pledge of property. 2. Where a debt was originally secured, and through no fault of the claimant, became valueless, then in such case an attachment may be made. 3. In actions of contract made by persons or corporations not residents, with residents of the State, and the said person, persons or corporations having property within the State.

Colorado.—Attachments may issue against non-residents' property within the State with original writ; fraudulent and clandestine creditors; or when a debtor is known to seclude himself from his ordinary residence for four months in succession; also, when a debt is contracted for cash on delivery payment and the goods received under some other excuse, without being paid for as contracted; wages due to a workman, mechanic, upon any contract or work, a lien or attachment can be filed upon the identical property. The statute does not provide for any form of assignment.

Connecticut.—Assignments, attachments and insolvency proceedings are about one and the same thing; a triune machinery to accomplish the preservation of the proceeds of debtors' estates, for the benefit of the creditors; all collections, suits, demands and otherwise, shall be made by the assignor and in his name; assignments of future earnings or incomes, are not valid against attaching creditors, who may under certain rules of the courts, make attachments; assignor has the right, if he so elects, to go into voluntary insolvency, thereby making void all such attachments made within *sixty days*. All costs in such dissolved attachments are left to the privity of the court; wages earned within three months to the amount of \$100 are preferred; estates are apportioned in the following manner: 1st. Liquidation expenses. 2nd. Taxes. 3rd. Preferred creditors. 4th. General claims in proportion. Upon payment of *seventy per cent.*, the assignor can apply to the court for an absolute discharge.

Dakota.—Same as Colorado, except that money contracts (such as money loaned on mortgage or notes) have a precedence over all other claims.

District of Columbia.—Writs of attachment can be made upon affidavit and undertaking of the genuineness of the claim made by any creditor. The procedure in Colorado in other respects is followed.

Florida.—No special statutes defining assignments. The law of attachment is the practice; writs may be obtained from the Circuit Court, where debts are actually due (and in special cases within nine months of maturity, when under contract) and in Justice Courts for debts in general, due or becoming due within three months. The same procedure as given in Colorado, is followed in actions against absconders, non-residents, fraudulent creditors.

Georgia.—The same as Alabama, except preferential creditors, where wages are involved, are allowed. Indemnity bonds are required; the law of attachment in cases of absconders, fraudulent and clandestine debtors; see Colorado.

Idaho.—No assignment law; attachments can be made for debts unsecured by mortgage or personal pledge.

Illinois.—**ASSIGNMENTS.**—The County Court has exclusive jurisdiction of assignments for the benefit of creditors. An inventory, under oath, of the estate and a list of the creditors, with their residence and the amount of their respective demands, is required to be annexed to the assignment. The creditors are notified of the assignment by publication, and each creditor is notified by mail to present his claim verified, to the assignee, within three months thereafter. Claims not presented within three months from the publication of notice of the assignment, do not participate in the dividends until after the payment in full of all claims presented within said term allowed. The assignee is required to file an inventory and valuation of the estate and enter into bonds in double the amount of the inventory and valuation. The assignee, at the expiration of three months from the first publication of notice, must file a list of all creditors, who have claimed to be such, also an affidavit of publication of notice, and a list of creditors to whom notices have been sent, with their places of residence and the date of mailing. Exceptions to the claim of any creditor may be filed within thirty days thereafter, and the same is tried at the next term of court. At the first term of court after the expiration of the three months as aforesaid, the assignee is ordered to declare an equal dividend of the as-

sets in his hands, and to render a final account within one year thereafter. The assignee is at all times subject to the supervision of the County Court, and may be compelled by citation and attachment to file reports. Provision is made for the appointment of another assignee in case of death, neglect of duty, or failure to qualify, also for further security, if necessary. No preferences are allowed. Debts not due may be proved, a reasonable deduction being made for interest. The fees of the assignee are at the discretion of the court. No provision is made for the debtor's discharge.

ATTACHMENT.—May issue in any of the following cases: (1) Where the debtor is not a resident of the State; (2) when he conceals himself or stands in defiance of an officer so that the process cannot be served upon him; (3 and 4) where he has departed, or is about to depart, from this State with the intention of having his creditors deprived of the right to collect their claims, by the removal of his effects therefrom; (5) where he is about to remove his property from the State to the injury of his creditors; (6 and 7) where he has within two years preceding the filing of the affidavit required, fraudulently conveyed or assigned, or concealed, or disposed of his effects, or part thereof, so as to hinder or delay his creditors; (8) where he is about fraudulently to conceal or assign or otherwise dispose of his property and effects, so as to hinder or delay his creditors; (9) where the debts sued for were fraudulently contracted on the part of the debtor, provided the statements which constitute the fraud were in writing and signed. Affidavit must be filed, setting forth the nature and amount of the indebtedness, and any one or more of the causes above named, and the residence of defendant if known, and if not known, that affiant is unable to ascertain the same after diligent inquiry. Bond is required in double the amount sworn to be due. If the sheriff is unable to find property to satisfy the attachment, he shall summons persons named in the writ, who are indebted to the defendant, as garnishees. In courts of record, when defendant is not served, the clerk of the court is required to publish a notice of the attachment in some newspaper within the State most convenient to the place of business where the court is held, for three successive weeks; also send by mail a copy of the said notice, within ten days from first publication, to the defendant, if his residence is known, or to the address last known.

The judgment is in *rem* unless the defendant is personally served, when it is *personnum*. Attachment may issue in aid of suits already pending on proper cause shown.

Indiana.—Attachments may issue prior to judgments against non-residents and foreign corporations, having property within the State, for money contracts, except where both plaintiff and defendant are both non-residents, and the money sought to be wages. Debtors who attempt by fraud or clandestine disposition of their property or clandestine removal of their property out of the State with a view of absconding; in all such cases any property belonging to or that such person or persons have an interest in, can be attached by creditors, upon a bond of indemnification. No provision is made under the statute for assignments; the court of insolvency deals with all bankrupts.

Iowa.—Debtors' assignments are permitted by assent of the majority of the creditors, in amount of claims; when assignments are made, all creditors shall share alike in the distribution of the assets; attachments are allowed against non-resident debtors; also where fraud, concealment, secret disposition, or any attempt to hinder the collection of lawful debts, by putting beyond reach the same in any way whatsoever; debts contracted by false pretences; where debtor is permanently leaving the State; in all such cases the property visible can be seized and taken into bond by the officers of the law, upon warrant sworn to by any credible creditor.

Kansas.—Assignments only distribute proportionally the property of an assignor, their power in no way permits them to discharge the debtor only so far as the claims that have been liquidated, (this is to preserve the rights of creditors who may not be notified, under the ordinary assignments practised;) all assignments must be executed, witnessed and sworn to and recorded in the same manner as real property, along with a schedule of all the assets, annexed with the Clerk of the District Court; notice within two days thereof must be mailed to each creditor having a claim of \$10 or over; naming a day not less than twenty days or more than thirty days, for the election of an assignee; whereupon a majority vote is essential, and if a majority of the creditors do not attend, or a majority for any one candidate cannot be obtained after due efforts the Judge of the District Court appoints an assignee. The prop-

erty in the first place must be appraised, and after such appraisal, the assignee must file bonds to double the amount of the assets; then it is his duty to advertise the time and place he will receive and adjust claims; creditors not appearing are barred as to sharing in the assets then scheduled, but as aforesaid not as to the collection of their claims by recourse to whatever expedients they see proper; assignee must make monthly distributions to creditors; the court can direct him to advertise and sell all the assets by auction; the court appoints a commissioner to examine all the accounts and audit the same and hand into the court a certified report of the estate; attachment writs can be issued against the property of absconding debtors, similar to Iowa.

Kentucky.—The same as Colorado as to the laws of attachments; assignments must be executed giving priority to creditors, representing the estates of minors, or those having guardians; in other respects the law of Kansas is followed.

Louisiana.—Assignments or cession of property may be voluntary or by a judgment creditor; the syndic (assignee) must give bonds for the proper discharge of his office; his election must be by creditors, representing at least two-thirds in amount of money of the total liabilities of the debtor; privileged creditors (those secured by mortgage or notes) cannot force sale of more property than is sufficient to satisfy their claim with costs of sale; creditors can be represented by proxy; non-resident creditors who receive no notice of the assignor's insolvency, and not taking part in the liquidation, have recourse to the Superior Court, and if their claim, or claims are established, the court will grant them judgment, as in like manner, as if no cession of the estate had taken place. The court will grant to a debtor a respite from his creditors if evidence is produced to satisfy the court that it shall be in the interest of all to grant it.

ATTACHMENT WRITS may issue against property in cases of persons absconding from the jurisdiction of the court within the State, and when absconding out of the State; against non-resident debtors owning property within the State, and the debt is past due, and the plaintiff lives within the State; and upon affidavit by two or more credible witnesses, that the debtor is concealing, purloining, disposing, transferring or in any other manner making away with it, to the detriment and injury of his creditors; no preferential actions

are valid, that is to say, where by collusion with a creditor to confess judgment and admit attachment. All persons found guilty of acts warranting garnisheement or attachment in any of the causes named, are debarred from all privities in obtaining a discharge until he pays his indebtedness in full.

Maine.—Assignments come under the laws of the Insolvency Act; estates of deceased persons may be declared insolvent, and commissioners in insolvency appointed in the Probate Court. Creditors may prove their claims before the commissioners so appointed. Claims may be assigned and actions brought in the name of assignees.

INSOLVENCY LAWS.—A general insolvent law was passed in 1878 (Chap. 74, Laws of 1878) to take the place of the National Bankrupt Law. This law gives Probate Courts jurisdiction, and has many of the leading features of the United States law of 1867. A debtor's petition requires an indebtedness of at least \$300, and if no fraud is apparent, he may at any time after the expiration of four months receive his discharge, and no specified percentage is provided or required for such discharge. In involuntary proceedings, the petition of two or more creditors is required. Their aggregate provable debts must be at least one-fourth of the provable liabilities of the insolvent debtor. In this law there is no composition clause.

Maryland.—**ASSIGNMENTS.**—Any confession of judgments or assignments, made for the purpose of defrauding creditors, is void, but a deed of trust conveying all a debtor's property, may contain preferences of particular creditors, without invalidating it. Improper preferences, made with the intent to apply for the benefit of the insolvent laws by one who does not subsequently apply therefor, are void, and any improper preferences made by an applicant for the benefit of the insolvent laws are void.

ATTACHMENTS.—Every person, or body corporate, that has the right to become the plaintiff in any action or proceeding before a judicial tribunal of this State, shall have the right to become the plaintiff in an attachment against a non-resident or a person absconding, or one who has or is about to conceal his property to defraud his creditors. Every person who shall actually run away, abscond, or fly from justice, or secretly remove from his place of abode, with intent to evade the payment of his just debts,

or to injure or defraud his creditors, shall be considered as having absconded. Any kind of property or credits belonging to the defendant in the plaintiff's own hand, or in the hands of any one else, may be attached, and credits be made as due, notwithstanding upon the face not matured. But property in the defendant's own hand cannot be attached. Before any such writ of attachment shall issue, the plaintiff shall make oath, before a Justice of the Peace, or Judge of a Court of Record, stating that the defendant is *bona fide* indebted to the plaintiff in the sum of \$—— over and above all discounts, &c., and that he is about to abscond, &c. The jurisdiction of a Justice of the Peace extends to all cases in attachment, where the sum claimed shall not exceed \$100, upon the proper affidavit being made.

Massachusetts.—Assignments are not recognized by law. **ATTACHMENTS.**—All civil actions must be commenced on original writs, and may be framed either to attach the goods or estate of defendant or not as the plaintiff thinks best. In case no goods can be attached, the body of the defendant may be taken. All real estate, goods and chattels liable to execution may be attached on the original writ, except property exempt by law, and the same holds good until thirty days after judgment, for the purpose of being taken in execution and sold upon the said judgment. Attachments may be dissolved before judgment, by defendant giving a bond to be approved by plaintiff, or his attorney, or by a Master in Chancery, conditioned to pay to the plaintiff within thirty days such sum, if any, as he may recover.

Michigan.—Common law assignments are used in this State. They are regulated by statute as follows: They are void unless they are,—1st, Without preferences; 2nd, Unless the assignment or duplicate of it, an inventory of the property, a list of the creditors, and a sufficient bond by assignee, is filed with the clerk of the Circuit Court of the county within ten days of making it; 3rd, Unless they include all property of the assignor's, except such as is exempt by law. Attachments and levies create no lien within the ten days upon the assigned property. Assignees must file reports quarterly, under oath, and must have appraisements of the assigned property made by two disinterested competent persons under oath, and filed in court as soon as practicable after assignment is made. In case

of neglect to comply with the law, or if any fraud exists, the estate will be wound up by a court receiver, and the court may then order summary examinations of parties and witnesses at any stage of the proceedings.

ATTACHMENTS.—Are authorized at any stage of suits where it is shown by affidavit as follows:—(1) That the defendant has absconded from the State, or concealed therein to the injury of his creditors; (2) That he has or is about to assign, dispose of, or conceal his property with the intent to defraud his creditors; (3) That he has removed or is about to remove any of his property out of the State, with intent to defraud his creditors; (4) That he fraudulently contracted the debt sued for; (5) That he is not a resident of the State; (6) That defendant is a foreign corporation. The right of dissolving the attachment the same as in Massachusetts exists.

Minnesota.—Assignments must be subscribed as the act and deed of the assignor, in the same manner as though he were conveying realty, and contain all his assets, not exempt by law. It shall be recorded with the clerk of the District Court, within the county, where the business (or if branches of the business exist, where the principal part of the business was transacted) was carried on; assignee must be a resident free holder; assignor shall file within ten days thereafter an inventory accurately describing his debts, and the name and last known address of each creditor; and if secured in any way, how secured; assignee must then within five days give a bond with two approved sureties, for double the amount of the inventoried assets. Creditors shall prove their claims under oath (except United States, State, or Tax claims); creditors are then paid the dividends in the following order:—(1) Assignee's legal fees; (2) United States claims; (3) State claims; (4) Taxes; all of which must be paid in full, then wages due not exceeding \$20 in amount, and earned within three months next preceding the assignment; and all other creditors pro rata. There is no special provision for assignor's discharge.

ATTACHMENTS:—Of money (or if no money) then writs attaching property may issue from District Court, and from Justice Court, for claims under contract; in the Superior Court a penalty bond for \$250 is required for surety of costs, and in the latter court a

bond of \$100. For property and for claims that these writs can be obtained, see Iowa.

Missouri.—Assignments can be made voluntary, within fifteen days after an assignment has been made; the assignee must file a correct inventory from an appraised value, along with a bond in double the amount of the same, with the Probate Court clerk within three months; a day must be fixed by the assignee for creditors to prove their claims; creditors not appearing on that date to prove their claims, or within two days thereafter, their claims are precluded; assignees' ruling as to claims is subject to appeal to the Judge of the District Court; dividends paid upon any creditor's claim, are only recognized as credits upon the original debt.

ATTACHMENT.—Proceedings the same as Indiana, except that proceedings must be advertised in the place where the attachment is made for four successive weeks, in case defendant's residence is unknown and service of a notice cannot be affected.

Montana Territory.—Attachment writs can only issue upon affidavit by plaintiff, that the debtor is about to leave or has left the territory; that he is removing his effects from out the territory and with the intent of defrauding his creditors; persons applying for such writs, must in all cases furnish approved bail bonds to the court for indemnification.

ASSIGNMENTS.—Are only legal when attachment writs are issued and then only for taking over the defendant's property; if sufficient property to satisfy the debts of the defendant upon appraisement of the court's commissioners is shown, the court will grant a permit for debtor to engage in business, and this permit is a discharge from the former liabilities.

New Hampshire.—Assignments by an insolvent debtor must be of all his real and personal estate, and shall provide for a proportional distribution of the same among all his creditors, but the debtor is not thereby discharged from his debts. Such assignments will not be valid until the debtor makes oath that his intentions in making the same are in accordance with the requirements of the statute, and the assent of creditors to such assignment will be presumed unless their dissent is made known to the assignee within thirty days. All actions of assenting creditors shall be discontinued and their costs form part of their claim, but dissenting creditors

take nothing under the assignment. A copy of such assignment shall be filed with the Register of Probate of the county within ten days of its execution, and a schedule of the property embraced in it and a list of the creditors, verified by oath. The assignee shall give such notice of his appointment, by publication and posting of notices, as the Judge of Probate may order.

ATTACHMENT of the property of a debtor as the security of a payment of an execution, is allowed so far as what is not exempt by law. All actions for the collection of debts, may be commenced by trustee process. Attachments continue in force for thirty days after the execution of the court is rendered within which time the levy of the execution must be commenced or the attachment will dissolve. The right of giving a bond to the sheriff for the release of property is customary, and usually accepted.

Nebraska.—Assignee acts as the agent of the court, his directions and actions being subordinate to the court. Thirty days are allowed for assignee to file a sworn inventory of the assets of the debtor's estate. The court appoints two appraisers; assignee must give to the court a bond of indemnity; the court advertises the assignment and the assignee of the court; creditors must file proof of their claims within six months thereafter; servants' and workmen's wages are only preferred; assignment must be recorded within thirty days after its execution; the court regulates as it deems expedient the settlement of accounts and distribution of funds.

ATTACHMENTS are the same as practiced in Indiana, only no bonds are required, if defendant is a non-resident or foreign corporation.

New Jersey.—Insolvent assignments by debtors for the benefit of creditors must be without preferences, otherwise void. Debtor must add to assignment an inventory under oath. Assignee must give three weeks' notice of assignment by publication. He must file inventory under oath with surrogate of the county *forthwith*, and give bond with sufficient surety in double the amount of the inventory. Assignee must file a list of the creditors at the end of three months, after having six weeks' notice by publication. Assignee proceeds at next term of court to make dividends. Wages of servants, clerks, laborers, etc., up to \$300 are preferred. Assignee has

power to sell all property exempt from execution. Sale of land must be advertised according to law, three months if without the State, and two months if within the State. A creditor who does not exhibit his claim is barred of a dividend, unless the property proves sufficient to pay others in full, or he shall find other property; but he is not barred from a suit against the debtor.

ATTACHMENT writs may be issued against non-residents and absconding debtors, upon liquidated claims only, where the creditor, or in his absence his agent, makes oath that the debtor absconds or is about so to do, or is a non resident at the time, and of the amount due to the plaintiff. A foreign corporation can be proceeded against by attachment. An attachment inures to the benefit of all the creditors of the plaintiff, whether their debts are due or not, and they may be admitted under the attachment upon filing an affidavit of their demand, and applying to the court therefor. Personal property cannot be sold until three months after the writ, except where it is perishable, and real estate not until one year after its seizure under writ. Attachment issued out of the Justice Court inures to the benefit of the attaching creditor only, but may be superseded by an attachment issued out of the Supreme Court, Circuit, or Common Pleas.

New York.—Any person in law capable of entering into contract may execute an assignment for the benefit of his creditors. The assignment must be in writing, duly acknowledged before an officer authorized to take acknowledgments of deeds, and shall be recorded in the County Clerk's office of the county where the debtor resided or carried on his business at the date thereof. An assignment by co-partners must be recorded in the county where the principal place of business of such co-partners is situated. When real estate is part of the property assigned, and is situated within a county other than the one in which the original assignment is required to be recorded, a certified copy of such assignment shall be filed and recorded in the county in which said property is situated. The assent of the assignee must be in writing, and shall be duly acknowledged. Within twenty days the debtor must make and deliver to the county judge of the county where the assignment is recorded an inventory containing as follows:—

First.—The name, occupation, place of residence, and place of business of such debtor.

Second.—The name and place of residence of the assignee.

Third.—A full and true account of all the creditors of such debtor, stating the last known place of residence of each, the sum owing to each, with the true cause and consideration therefor, and a full statement of any existing security for the payment of the same.

Fourth.—A full and true inventory of all the debtor's estate at the date of such assignment, both real and personal, in law and equity, with the incumbrances existing thereon, and of all vouchers and securities relating thereto, and the nominal as well as the actual value of the same, according to the best knowledge and belief of the debtor.

Fifth.—An affidavit made by such debtor that the same is in all respects just and true. In case the debtor fails within twenty days so to do, then the assignee must within thirty days thereafter make and file the inventory above required in so far as he can, and shall verify the same to the best of his knowledge and belief. In case the inventory is not filed by either the assignor or assignee, and the time be not extended by the court for that purpose, the assignee may be removed. The assignee must give a bond within thirty days after the date of the assignment, in an amount to be directed by the judge for the faithful discharge of his duties. The debtor may prefer creditors. The assignee must realize for all property assigned, advertise for claims, and settle estates according to the requirements of the statute, within one year from the date of such assignment, or he is liable to be cited so to do. This proceeding does not discharge debtor from his debts. The assignee may be removed at any time for misconduct or incompetency.

ATTACHMENTS can be procured in actions for breach of contract, express or implied (other than to marry); wrongful conversion of personal property; against foreign corporations, when plaintiff resides within the State; against the property of non-residents (not where both plaintiff and defendant are non-residents); and in several other cases where the evidence adduced to the court that fraud, or that the person or persons owing such debts to the plaintiff, are absconding, concealing, removing from the State, or in any fraudulent manner whatsoever, making away with their property for the

intent and purpose of defrauding their creditors. The property can be released upon providing a sufficient undertaking to the court that issues the writ of attachment.

North Carolina.—Assignment of insolvent estates must be at the privity of the largest creditor; executors, administrators, trustees, are not obliged to co-operate with other creditors; they are privileged to bring action in the courts.

ATTACHMENT the same as in Indiana, except wages has no priority over other creditors.

New Mexico.—Assignments are not provided for by statute.

ATTACHMENTS, where the debt is in excess of \$50, can be made against any foreign corporation or non-resident's property found within the territory; where a debtor is absconding from the territory, or otherwise attempting to defraud his creditors.

Ohio.—Assignments in trust for creditors are regulated by statute; they take effect only from the time they are delivered to the Judge of Probate. Within ten days the assignee must file the instrument, or a copy, with the probate judge of the county of the assignor's residence, and furnish bonds; within thirty days after giving bond he must file inventory and an appraisal made by three persons appointed by the judge, and give three weeks' notice in a newspaper of appointment; must forthwith sell at auction upon four weeks' notice, or at private sale by permission of the court, for not less than two-thirds the appraised value. Creditors may elect an assignee upon petition signed by creditors holding not less than \$1000 of claims, and upon vote of creditors holding fifty per cent. or more debts—a majority in value of all debts represented at a meeting of creditors, called by order of the court, being necessary to a choice. Creditors must present claims in six months, with affidavit of what was the consideration attached, that the claim is lawful and justly due, and what security (if any) held. If rejected, suit must be brought within thirty days. Assignee must reject on demand of creditor, accompanied by security for costs and expenses. In eight months the first dividend must be declared; wages to amount of \$100 earned within six months prior to the assignment, and personal taxes, are preferred claims; no other preferences allowed.

ATTACHMENT.—A writ of *attachment* and garnishee process will issue for any of the causes enumerated under the head of arrests, or where defendant is a foreign corporation or non-resident, plaintiff can, upon affidavit that defendant has absconded, to defraud his creditors, or left county of residence to avoid service of summons. But no attachment can issue on ground that defendant is a foreign corporation or non-resident, save on a debt or demand arising on contract or judgment, or for causing death. Except when issued because defendant is a foreign corporation or non-resident, plaintiff must give bond in double amount of his claim. If garnishee process is desired, the plaintiff, in his affidavit must name the persons and describe the property supposed to be in the garnishee's possession.

Pennsylvania.—Assignments by insolvents for the purpose of preferring one or more creditors inure to the benefit of all; a general assignment immediately places the property assigned beyond the reach of any execution. The proceeds of the assigned property are distributed by the assignees pro rata among the creditors, under the supervision of the court; the wages of miners, mechanics and clerks being preferred, however, to the extent of \$200, provided they be due for services rendered within six months immediately preceding the assignment. An assignment not recorded within thirty days becomes void. A wife's dower is not divested by an assignment of her husband, unless she joins in the same of her own free will. So much of the debt as is not paid by the assignee remains an obligation against the debtor, and can be enforced at any time against his acquisitions. A claim may be proved any time before the final dividend is made, and the same shall participate in a like manner to all other claims.

ATTACHMENT.—Foreign *attachments* in favor of a creditor when the property of a non-resident debtor is found within the State. Security is required in double the value of the property attached; the surety must be a resident of the county where the *attachment* issues. This *attachment* may be dissolved by entering security for debt, or by making a deposit of money to the amount of claim sued for; *attachment not foreign* also lies where a debtor is about to remove his goods out of the jurisdiction of the court, with intent to defraud his creditors; or when he has property fraudulently concealed; or when he has assigned, disposed of, or removed, or is

about to remove, assign, or dispose of the same, with intent to defraud his creditors; or when he has fraudulently contracted the debt sued for. In this case the plaintiff must give a bond, with a citizen of the county where the *attachment* issues as a security, in double the amount of the claim, conditioned that if the plaintiff shall fail in his suit, he will pay all costs and damages sustained by defendant by reason of the *attachment*. This *attachment* may be dissolved by the defendant giving security, to be removed by payment of money into court, or such other substitute as the court may see proper to accept in lieu thereof.

Rhode Island.—Assignments for the equal benefit allowed without preferences, as in New Jersey.

ATTACHMENTS.—May issue on original writ whenever the plaintiff, his agent or attorney, makes oath thereon that plaintiff has a just claim, and either that defendant has committed fraud in contracting the debt on which the action is founded, or that since contracting the debt defendant has been the owner of property, in the receipt of income which he has refused or neglected to apply to the payment of the debt. *Attachments* may be defeated by debtor making a voluntary assignment at any time within sixty days, or the court may appoint, on motion of any three or more creditors holding not less than one-third of the debts, a receiver, either of which acts void *attachments*.

South Carolina.—Attachment at the time of commencing action, or at any time afterwards, may issue in the following cases:—In an action arising for the recovery of money only; in an action for wrongful conversion of personal property; against a corporation created by or under the laws of any other State or foreign country; against defendant for absconding or concealing himself, or assigning, disposing, or clandestinely removing the same with the intent of defrauding his creditors. Plaintiff must deposit \$250 for security for costs or damages in any of the actions mentioned, before the court will interfere.

ASSIGNMENTS.—(1) Voluntary; (2) Under process an embarrassed debtor may assign his property for the benefit of his creditors. The creditors have the right to appoint agents or an agent equal in number of assignees to act with them. If no agent or agents are appointed, assignees can act alone, and it is their duty to report to

creditors every three months. The assignment of all his estate by a debtor under confinement or arrest effects his discharge therefrom. Only the debt of the creditors participating in dividends is affected by these assignments.

Tennessee.—Assignment by debtor is permitted; he can at his privity prefer one or more creditors in exclusion of others. Assignee must provide bonds and security for faithful discharge of his duty; it must be immediately recorded with the clerk of the county, within which the assignor resides.

ATTACHMENT.—Creditors can attach for fraud, non-residents' property or goods, or when a debtor is about to abscond or has absconded from the State, or is removing his property or concealing, purloining or otherwise attempting by fraud to make away with all his visible effects; the right of replevy exists.

Texas.—1. Every assignment shall provide for distribution of all real and personal estate (except what is exempt by law) among all creditors, pro rata, shall pass title, be acknowledged, certified, and recorded. 2. The debtor shall annex an inventory containing a statement of the account of all his creditors, the place of residence, the amount and nature of the debt, the consideration, and when same arose, any existing mortgage collateral or other security, of all estate, real and personal, and the incumbrances, and all vouchers and securities relating thereto; affidavit that same is true not to affect in any way property held in trust or exempt as aforesaid. 3. Assignment may be made for benefit of such creditors as accept same; in such case, benefit is restricted to those accepting and shall release debtor from claims of those so agreeing. 4. Assignee shall give notice of his appointment by publication for three weeks. 5. Creditors shall make known their consent in writing within four months. 6. Assignee shall record deed of assignment, and furnish a bond, to be approved by the County Judge. 7. Creditors accepting, shall file statement with the assignee of their accounts, supported by affidavit that the same is just, and that there are no credits or offsets known to same. 8. Any creditor not accepting, may garnishee excess of proceeds in hands of assignee. 9. All property conveyed or transferred to defraud creditors, may be recovered by assignee by suit. 10. Assignment shall not void for want of an inventory. 11. The verified statement by a creditor, verified and

filed, is *prima facie* evidence of its justness, but the same may be denied and controverted in the courts. 12. To conceal property from assignee to defraud creditors, constitutes a felony punishable by at least two years in the penitentiary. 13. Claims not due may be allowed at their discount value. 14. The assignee may be removed when incompetent, and new appointment made by the County Judge. 15. Assignee must make distribution when amount on hand will pay ten per cent. 16. Full reports of collections and disbursements must be made by assignee, the same filed and recorded with clerk before a final discharge of his bonds.

ATTACHMENT proceedings are privileged to any person making affidavit of fraud, concealment, absconding, etc., against a debtor, either resident or non-resident; only the latter's property can be attached upon the original writ.

Utah.—Attachment proceedings are obtainable, where the claim is not otherwise secured, and if secured, and has become valueless through no fault of the plaintiff, then in such case the right of attachment lies; also in cases of fraud, concealment, absconding from the territory; or the property of a non resident or foreign chartered corporation or company.

ASSIGNMENTS OR INSOLVENCY not provided for.

Vermont.—All assignments of property must be for the equal benefit of all creditors, in writing, signed by assignor, and if realty, by trust deed, which shall be recorded in town clerks's office. Annexed to such assignment, must be a list of the creditors, sums due each, and their place of residence and address. A copy of the assignment, with annexations, signed by both the assignee and assignor, must be filed in the county clerk's office, open for inspection. Assignee must be a disinterested person, and shall file with Probate Court a bond for indemnity in case of unfaithful discharge of his duty. Until the law in these particulars is complied with, the debtor's property is liable to execution, attachment, trustee process, or garnishee. Assignee must act with dispatch, and file a second copy of his settlement of trust account with details of administration, which account he must verify by oath as just and true, with the clerk of the county court. Any creditor, who upon oath states that assignee is unreasonably tardy in closing estate, and the same presented to the chancellor of the court, the assignee will be cited to close in a fixed

time; the costs, etc., of such application are left to the discretion of the court.

ATTACHMENTS of defendant's property, both real and personal, exists in all forms of actions, and held to respond final judgment and execution. Bail on *mesne* process is taken by the sheriff, and he is responsible for its sufficiency. Any person disposing of property under attachment or lien, is subject to be fined not more than \$200 or imprisoned in the State prison for one year. *Garnishment* exists in all actions founded upon contract, express or implied, where the claim sought to be enforced, and the credits in the hands of the trustee exceed \$10. *Executions* are returnable in sixty days, and must be made from personality, if possible; if not, then from realty. Real estate is appraised by three disinterested freeholders; and enough is set out by measurement to satisfy the execution; the debtor in case of realty, has six months in which he can redeem lands so sold, and until this time has elapsed the vendee's title does not become absolute. *Insolvency*.—Any person residing in the State may be judged an insolvent upon his own petition; or, if the debtor owes more than \$300, and commits an act of insolvency, upon the petition of any of his creditors, whose claims provable exceed \$250. Petition by creditor must be filed within ninety days. *Fraudulent preferences* are set aside by the adjudication of insolvency, if they occur within four months before the filing of the petition; and such insolvency dissolves all attachments upon *mesne* process made within sixty days prior to the filing of such petition. The act applies to all corporations created by the laws of the State, except railroads and banking institutions. The act provides for the granting of a discharge to the debtor from all debts existing at the date of the filing of the petition for adjudication, and in regard to the effect of such discharge, the law provides that the debtor shall thereupon be absolutely discharged from all debts proved against the estate, and from all debts provable and founded on any contract made by him while an inhabitant of the State, if made within date, or to be performed within the same, or due to any person resident therein at the time of the filing of the petition for adjudication. The discharge does not apply to a fiduciary debt. Discharge is not granted when assets are not equal to thirty per cent., unless consent of majority in numbers and amount of creditors is filed. *Evidence*.—Parties may testify,

except when one party is dead, being either defendant or plaintiff, in his own behalf.

Virginia.—Insolvent debtors have the right to make an assignment, but creditors not willing to participate, are not bound by it.

ATTACHMENT.—See Michigan.

Wyoming Territory.—Probate Court has absolute jurisdiction in debtor's assignments. They can be made with or without preferences, in the option of the assignor, when free from fraud, excepting too iniquitous, when the other creditors can enter their protest, and upon hearing the complaint, the Judge of Probate rules in the matter; the usual inventory, list of creditors, etc., must be filed for inspection with the clerk of the court.

ATTACHMENT may be made against non-resident corporations, persons or companies; or in case of fraudulent contract or absconders, etc.; or where any person by fraud obligated to pay a debt not exceeding \$250, without other security than his personal pledge, not paid upon demand within ten days after maturity, an attachment can be procured, and served upon any personal or real property, or the property (if such) that this debt was incurred for.

Wisconsin.—Assignments may be made, and preferences to money debts, creditors representing estates of testacy or intestacy as the Judge of the Probate directs.

ATTACHMENTS may issue against the property of any person when the debt is under contract for the sum of \$50 or over, where it can be shown upon testimony that the debtor is leaving the State, and about to remove his property, to the injury of his creditors; and in all cases of fraud, non-residents and foreign corporations.

Washington Territory.—No provision by statute for assignments.

ATTACHMENTS.—See Montana.

West Virginia.—There is no particular statute regulating assignments; creditors can by joint agreement arrange with the debtor by a deed of composition. This deed is usually in the form of a reduction of the claims pro rata on the dollar, and made in installments spread over a number of months or even years.

ATTACHMENT.—The same law as in Virginia.

DOMINION OF CANADA.

Province of Ontario.—Debtor absconding from the province with the intent of defrauding his creditors, and owing under contract a debt not less than \$100, a writ of attachment can issue against any property real or personal that can be found, but if the debtor has property sufficient if taken under such attachment to satisfy the debt claimed, no arrest of his body can be made. The Superior High Court of Justice judges, if in term, issue these *capias* writs in the neighborhood of Osgood Hall at Toronto; and the County Court judges in other parts of the province. Garnishee process can be served where money debts are involved, but in no case does the writ accompany a right of seizure or detention of the property, except after trial thirty days in superior claims, and fourteen days in minor claims; a *lispendance* can be filed in the registry office, where land is involved; and persons usually buying land are notified of such pending suits in law against the vendee, by the same being filed in the clerk of the court's office. Taxes and rent take precedence of all other executions of claims whatsoever.

ASSIGNMENTS.—The law provides under a statute of the province that an insolvent debtor can assign his estate; all secured creditors are preferred, all others share alike in the proceeds of the liquidation. Assignee must give security in a bond of two freeholders, in double the value of the assets of the estate; in other respects he is under the supervision of the statute, and is expected to make all efforts for a quick settlement of the estate. He has power to bring the personality to an immediate auction sale or sell after appraisal to private persons.

Province of Quebec.—Before judgment may issue attachment may be made in the following cases: (1) upon affidavit of a personal indebtedness over \$5, and that defendant absconds, secretes himself, or is immediately going to abscond or secrete his effects with intent to defraud, or that defendant is a trader, is notoriously insolvent, and has refused to arrange with his creditors or make assignment to them or for their benefit, and still carries on his business, and in either case that, without the benefit of such attachment, plaintiff will lose his debt or sustain damage; (2) on liqui-

dated damages, and upon affidavit as to the nature and amount and causes which gave rise to them, and with judge's order. On cause shown, attachment may issue in and pending suit previously taken; rents in all cases take precedence.

ASSIGNMENTS.—The same as Ontario, by deed of composition or by general pro rata distribution of proceeds of estate, subject to secured or preferred claims.

Nova Scotia.—Assignments not voluntary, only after suits or upon the demand of creditors whose claims in the aggregate amount to \$500. When made, the procedure is the same as in the winding up of an intestate estate.—(See wills and administration of this province.)

ATTACHMENTS.—The same as in the Province of Ontario.

New Brunswick.—The insolvency act regulates all debtors' estates. Preferential claims for money debts, secured debts, taxes and rent are allowed.

ATTACHMENT writs issue only against the property of non-resident debtors or absconders.

Manitoba, Northwest Territories, and British Columbia.—The same in substance for both assignments and attachments as the Province of Ontario. But the regulations of the courts differ somewhat in the limit of jurisdiction.

PART II—CHAPTER I.

Property that is Exempt from Execution in each State and Territory in the United States, and in each Province of the Dominion of Canada, along with the Statutes of Limitations; giving the time that all Debts, either Oral or Under Contract, become Outlawed; also the Recovery of Title to Real Property.

EXEMPTION AND LIMITATION LAWS.

Alabama.—Personal property to the value of \$1000; a homestead recorded under the "Homestead Act," not exceeding 160 acres of agricultural lands; or a village, town or city lot and house, not exceeding in value \$2000.

LIMITATIONS.—Bills and book accounts *three years*; actions of contract, trespass, damages, or arrears of rent, not under seal, *six years*; actions of contracts under seal, for recovery of land or money, *ten years*.

Arizona.—For exemptions and limitations, see California.

Colorado.—Property designated as a homestead is exempt to the value of \$2000. Household furniture, farm utensils, and live stock, professional instruments and library, to the value of \$300.

LIMITATIONS.—Promissory notes, bills of exchange, accounts, agreements, if accruing within the State, must be sued within *six years*; recovery of title to real estate, *ten years*; courts of record, judgments by renewal every six years, can be kept revived for *twenty years*.

Connecticut.—Exemptions allowed by law are as follows: Necessary apparel and bedding, household furniture necessary for supporting life, arms, military equipments, uniforms, musical instruments used for military purposes, pension monies, implements of debtor's trade, library to the value of \$500, one cow, ten sheep, two swine, 200 lbs. of pork, and if debtor has wife and family, 25 bushels of charcoal, two tons of other coal, 200 lbs. of wheat flour, two cords of wood, two tons of hay, 200 lbs. each of beef and fish, five bushels each of potatoes and turnips, ten bushels each of Indian corn and rye, 24 lbs. each of flax and wool, one stove and pipe, horse of prac-

ticing physician not exceeding \$200 in value, and saddle, bridle, harness and buggy, one boat used by owner in business of planting or taking oysters, clams or shad, and not exceeding \$200 in value; one sewing machine, one pew, and lots in cemetery. Debts accruing by reason of personal service to the amount of \$10 if single, or \$25 if married, are exempt from garnishment, except that in suits for provisions and necessities \$10 only are exempt, and in suits for board nothing is exempt. Benefits allowed by benevolent societies are always exempt.

LIMITATIONS.—Actions in ejectment must be commenced within *fifteen years* after right to land accrues, except in case of disabilities, when five years after the disabilities are removed, are allowed; on specialties under seal and non-negotiable promissory notes, within *seventeen years* after right accrues; on book account, debt on simple contracts, assumpsit, implied contracts, and contracts in writing not under seal, except promissory notes not negotiable, within *six years*; a partial payment or unqualified promise to pay, though not in writing, will revive the contract. Trespass on the case must be brought within *six years*. Actions on oral contracts, other than those proper for book debts, action of trespass, and actions on the case for words, within *three years*. Scire facias against garnishee, within *one year*. Action for forfeiture under penal code, within *one year*. Action on bonds against surety in any civil contract, action for prosecution or appeal, within *one year after judgment* in the suit in which they were given. Civil actions against sheriff or constable for default in office, within *two years*. Against railroad companies: See damages against railroads. In all cases of time computation, the period of non-residence from the State is deducted.

California.—The property exempt from execution and attachment is, viz:—Chairs, desks, etc., \$200; necessary household furniture, including sewing machine and wearing apparel; three cows and calves, four hogs and litter, and necessary food for same for one month; farming utensils; also two oxen or horses, or mules (farmer's) with harness and one cart or wagon; also all seed of value of \$200 actually provided for use within six months; seventy-five bee hives and bees; horse and vehicle belonging to cripple, when necessary for his business; tools of mechanics; instruments of

surgeon, dentist, physician, or surveyor; professional libraries; musical instruments used in instruction given for a livelihood; cabin, &c., of miner, not exceeding \$500, also his machinery, \$500, and two horses or mules and harness, one month's food for same when used in whim, derrick, &c., and mining claim actually worked by him to value of \$1000; vehicles and animals actually used by draymen, peddlers, &c., in prosecuting their business; earnings of judgment debtor within thirty days, when it appears that same is necessary for support of family, but where debts incurred—for necessities, one-half is liable; shares held in incorporated homestead associations to value of \$1000 (or a homestead to the value of \$5,000; all money privileges, etc.

LIMITATIONS.—Judgments or decrees of any of the United States or State within the United States, *five years*; *four years* on contract, etc., founded on instrument in writing executed in this State; *three years* on statute liability other than penalty or forfeiture bonds; for trespass, for taking, detaining, or injuring personal property, including replevin or claim and delivery; for relief on grounds of fraud or mistake, cause of action not arising until discovery of fraud, etc.; *two years* on obligation not in writing or on instrument of writing executed out of the State; action against officer, etc.; *one year* various cases affecting commercial matters, and for libel and slander; *six months* to recover goods, etc., seized by any officer in his official capacity as tax collector, etc.; to recover stock sold for delinquent assessments. No limitations against bankers or banks for deposits; if deposits are a hundred years without being claimed, the lawful claimant can obtain the principle and interest. *Four years* in all other actions not enumerated in the foregoing.

Dakota.—Exemptions are as follows:—A homestead not over one acre in a town plot, and not over 160 acres outside, upon which is not more than one dwelling-house and other necessary buildings occupied by a family (of at least three) is exempt; also, goods, chattels, merchandise, money or other personal property not to exceed in the aggregate \$1,500 in value; or in lieu thereof various specified articles and personal property not to exceed in addition \$1,500.

LIMITATIONS.—For recovery of possession, title or other-real

estate actions, *twenty years*; notes, bills of exchange, other than real estate deeds, sealed agreements, ordinary contracts, damages for fraud, personal injury, *six years*; oral debts, accounts, penalties under bonds, etc., *three years*.

District of Columbia.—The property exempt from execution and attachment is as follows:—All wearing apparel, household furniture of the value of \$300; implements of the debtor's trade or business, of \$200 in value; with \$200 worth of stock for carrying on the business of his calling; the library or implements of a professional man or artist to the value of \$300.

LIMITATIONS.—All actions on simple contracts, case, debt, replevin, etc., must be brought within *three years* after the time when such cause of action accrued; and upon bill, bond, judgment, recognizance, or other specialty, within *twelve years*.

Judgments of Justices of the Peace are barred after the lapse of *three years*. No exceptions in favor of absent parties.

Florida.—Exemption of property to each head of a family: (1) 160 acres of land not situated within any corporate town or city; or one-half of one acre within such corporate limits, and including the home improvements, and place of business; (2) \$1000 worth of personal property to be selected by the debtor, one set of tools of mechanic's trade, books of a professional man, etc., to the value of \$300, to single persons; also necessary wearing apparel.

LIMITATIONS.—Actions to recover lands, *seven years*. Coverture, infancy or insanity prevents the running of the statute while such disability exists. Actions upon judgment or decree of any court, state or federal, or upon any instrument under seal, *twenty years*; injury to real or personal property, damages or fraud, beginning from its discovery, breach of written contract, not under seal, *three years*. All contracts, agreements, bills, notes, and promises in writing for the payment in money, not under seal, *five years*. Actions to recover the value of goods, as on a merchant's account, *four years*. Non-residence in the State bars the running of the statute in any of the before named causes.

Georgia.—Every head of a family, every aged or infirm person, or persons having care and support of dependant females of any age, who is not head of a family, or guardian, or trustee of a

family of minor children, is entitled to a homestead of realty or personalty, or both, to the value in the aggregate of \$1,600. (See amendment in the constitution of this State of the legislature of 1877.)

LIMITATIONS.—For open accounts, *four years*; notes, etc., *six years*; judgments to be kept open and retain their lien must have execution issued thereon within *seven years*, or they become dormant. Execution must be levied or have some entry made thereon by the sheriff or other ministerial officer every *seven years*, or judgment becomes dormant. Dead judgments may be revived within *three years*. A promise to renew or revive the debt must be in writing, in the handwriting of the debtor, or signed by his agent or attorney.

Idaho.—The exemptions are as follows:—chairs, tables, desk, books, to value of \$100, necessary household, table and kitchen furniture of debtor and provisions needed for use of family; the farming utensils, implements of husbandry of debtor; also two oxen, or two horses, or two mules and their harness, two cows, one cart or wagon, and food for such oxen, horses, or mules, for three months; seed grain for purposes of planting to the value of \$200; tools and implements of mechanic necessary to carry on his trade; instruments of surgeon, physician or surveyor and dentist, and professional men's libraries.

LIMITATIONS.—Actions must be commenced within *three years* on an open account for goods sold and delivered; same on an open mutual and current account, and on any contract or obligation not founded on a written instrument; no new promise will revive these obligations when once barred unless a payment on account has been made by the debtor.

Illinois.—Exemptions of homestead to the extent in value of \$1000; the exemption extends to the husband or wife surviving, and to the children until the youngest becomes twenty-one years of age so long as they occupy the homestead; but this exemption does not extend to the non-payment of taxes or for debt or liability incurred in the purchase or improvement of the homestead. This exemption may be waived by deed, properly acknowledged. The proceeds of a sale of the homestead to the extent of \$1000 are exempt for *one year*. The following personal property is exempt;

the necessary wearing apparel, Bibles, school books and family pictures of every person, and \$100 worth of other property, to be selected by the debtor. The debtor must make schedule of his property and deliver to officer, the property is then appraised by three householders, and the debtor selects his exemptions. If the head of a family shall die, desert, or not reside with the same family, they shall, as though he did reside with them, be entitled to the full exemptions. No personal property is exempt, when the debt claimed is for wages.

LIMITATIONS.—A judgment of a court of record is a lien upon real estate of the debtor in the county where the court is held for *seven years*. If execution is not issued within *one year* from the rendition thereof, it ceases to be a lien thereafter, but execution may issue at any time within seven years, and will be a lien from the time it is delivered to the sheriff. Judgments rendered at the same term of court shall be all alike, no precedence. Judgments may be revived within *twenty years*. Judgments may be confessed in person or by attorney duly authorized. Actions on evidence of indebtedness in writing must be brought within *ten years* next after cause of action arising after payment or new promise in writing. Actions or unwritten contracts must be commenced within *five years* after the cause of action accrued. Justice Courts have jurisdiction in all cases when the amount claimed does not exceed \$200. Summons is returnable in five days. Execution can be issued forthwith, but twenty days is allowed for appeal. No pleadings by brief required.

Iowa.—If the debtor is a resident of the State, and is the head of a family, he is entitled to the following exemptions from attachment, execution or trustee: A homestead, consisting of not more than forty acres of land in country, or city lot not exceeding one-fourth acre with improvements, provided it has been acquired or assumed by a head of a family when not burdened with debts and judgments; all wearing apparel of himself and family kept for actual use and suitable to their condition, and the trunks and other receptacles necessary to contain the same; one musket, or rifle and shot gun; all private libraries, family Bibles, portraits, pictures, musical instruments and paintings not kept for the purpose of sale; a seat or pew occupied by the debtor or his family in any house of

public worship; an interest in a public or private burying ground not exceeding one acre for any defendant; two cows and calf; one horse, unless a horse is exempt as hereinafter provided; fifty sheep and the wool thereon; six stands of bees, five hogs and all pigs under six months; the necessary food for all animals mentioned for six months; all flax raised by defendant on not exceeding one acre of ground, and the manufactures therefrom; one bedstead and the necessary bedding for every two in the family; all cloth manufactured by the defendant not exceeding one hundred yards in quantity; household and kitchen furniture not exceeding \$200 in value; all spinning wheels and looms; one sewing machine and other instruments of domestic labor kept for actual use; the necessary provisions and fuel for the use of the family for six months; the proper tools, instruments or books of the debtor; if a farmer, mechanic, surveyor, clergyman, lawyer, physician, teacher, or professor, the horse or the team, consisting of not more than two horses or mules or two yoke of oxen, and the wagon or other vehicle, with the proper harness or tackle, by the use of which the debtor, if a physician, public officer, farmer, teamster, or other laborer, habitually earns his living; and the debtor, if a printer, there shall also be exempt a printing press and the type, furniture and material necessary for the use of such printing press and a newspaper office connected therewith, not to exceed in all the value of \$1200; there shall be exempt to an unmarried person not the head of a family, and to non-residents, their ordinary wearing apparel and trunk necessary to contain the same. Where the debtor, if the head of a family, has started to leave this State, he shall have exempt only the ordinary wearing apparel of himself and family, and such other property in addition as he may select, in all not exceeding \$75 in value, which property shall be selected by the debtor and appraised according to law; but any person coming into this State with the intention of remaining shall be considered a resident within the meaning of the law. None of the exemptions prescribed in this chapter shall be allowed against executions issued for the purchase money of the property claimed to be exempt, and on which such execution is levied. The husband is the head of the family, the wife becomes so at his death; a son having a mother or sisters and brothers to support, becomes also such head.

LIMITATIONS.—Actions for injuries to the person or reputation, or for statute penalty, must be brought within *two years*; to enforce a mechanics' lien *two years*; against a sheriff or other public officer *three years*; those founded on unwritten contracts *five years*, on written contracts *ten years*; those founded on judgment of a court of record, whether of this or any other of the *United States* or Federal Courts in the United States, *twenty years*; notes are barred in *ten years* after date. To renew a note outlawed, it must be in writing, signed by the payor; endorsing a payment on a note by the holder, after the note is barred, will not renew it; one not a payer, assignee or endorser of a note, who writes his name on the back of it, is a guarantor. A note taken by a purchaser after due, accepts it subject to all the original defences of its maker. *Judgments* docketed in the office of the clerk of the county become liens upon the real estate of the defendant. Justice Courts have jurisdiction to the extent of \$100, and by agreement of parties, up to \$300. A judgment in this court is good for ten years, and filing same in Circuit Court keeps it alive for twenty years longer; there is no appeal from a Justice Court when the amount is under \$25.

Indiana.—Exemptions to resident householders, of any property they may select to the value of \$600. This, however, only applies to debts founded on contract, express or implied, entered into since May 30, 1879, and does not affect any laborer's or mechanic's lien, nor lien for the purchase money of the real estate exempted. Upon contracts prior to that date, the exemption is only \$300.

LIMITATIONS.—Accounts and unwritten contracts, *six years*; contracts in writing, judgments of courts of record, and for the recovery of title or possession of real estate, *twenty years*.

Real Estate sold under power of sale, in mortgage or by an execution of the courts, can be redeemed within a year thereafter upon payment of all costs and ten per cent. interest. Deeds or mortgages affecting real estate must be recorded within forty-five days; they are good between the parties thereto, but not against another person.

Kentucky.—A resident housekeeper with a family is entitled to exemption from levy of any execution, attachment or trustee process, as follows: Two work beasts, or one beast and yoke of oxen, two cows and calves, certain farming utensils, and household furni-

ture, Bible, books, provisions for family and provender for beasts, exempt, sufficient for one year; mechanics' tools of the value of \$100, lawyers', physicians' and ministers' professional libraries of value of \$500, sewing machine belonging to any spinster or other female. There is in addition to all of this under the Homestead Laws, the right to buy during solvency a homestead to the value of \$1000.

LIMITATIONS.—An action upon a judgment or decree of a court, (the period to be computed from the date of the last execution thereon) upon a recognizance, bond or written contract upon the official bond of any court officer, personal representative, guardian, etc.; upon a bond or obligation for the payment of money, and for the recovery of real estate, must be brought within *fifteen years* from the time the right of action accrues; upon negotiable paper, or promissory notes negotiable, upon an account of trade between merchants, or for relief on account of goods sold under fraud or mistake, within *five years*; for injury to person, etc., within *two years*; upon a merchant's account for goods sold within two years after the 1st of January next, after articles delivered; for excess of interest paid over legal, *one year*.

Lands sold under execution.—There is one year after sale, in which the defendant can, upon payment of the legal interest (six per cent.), redeem the same. The same time is given in cases of mortgage sales.

Louisiana.—Exemptions allowed includes a homestead, rural or urban, bona fide, owned and occupied by debtor, who may be the head of a family, or person having a mother or father, or person or persons dependant upon him or her for support; also one work horse, one wagon and cart, one yoke of oxen, two cows, and calves, twenty-five head of hogs, or 1,000 pounds of bacon or its equivalent in pork, whether exempted objects be attached to homestead or not, and on the farm the necessary corn and fodder and farming implements, of the value of \$2,000. Husbands homestead is not exempt, if his spouse has \$2,000. Claimed exemptions must be set apart and recorded as such. Exemptions do not apply where part of the debt is for purchase money of the exempted home or articles enumerated; or for labor or material furnished for building or repairing the homestead property; for liabilities incurred by

any public officer, or fiduciary officer, or any attorney-at-law for money collected or received on deposit, and for claims of taxes.

LIMITATIONS.—*One year* bars innkeepers on account of lodging or board ; retailers of liquors ; workmen, laborers and servant for wages ; freight of ships ; and payment of officers and crew from completion of voyage ; supplies in construction or provisioning of a vessel ; actions for injurious words, or damages ; for possession or title of land ; for delivery of merchandise shipped on vessels ; for damages sustained to merchandise from collision on vessels. *Three years* bars as follows :—Money lent ; salaries of clerks, etc. ; all open accounts. *Five years* bars : actions on notes, bills, and all instruments negotiable or transferable by delivery ; actions for rescission of contracts ; informalities growing out of any public sale. *Ten years* bars : all personal actions in general ; judgments and stated accounts.

JUDGMENTS.—From the courts recorded in the recorder of liens' office, is good for *ten years*, and must then be revived by suit or reinscribed. Upon all goods or everything sold the seller has a lien thereon, but the same is not good against a third person unless recorded in the recorder of liens' office within six days after sale (it amounts to a mere noting of the article to whom and by whom sold and the price, credit and any other special conditions of the sale) ; Property sold for cash and not paid for in eight days, the seller can seize them wherever found.

Maryland.—The following property is exempt from attachment and execution : Wearing apparel, books and mechanics' tools, not exposed for sale, and \$100 in value of other household or other property, to be selected by the debtor.

LIMITATIONS.—All simple contract debts are barred by limitation after the lapse of *three years* ; Executions may issue any time within three years after rendering ; they live for twelve years ; but any subsequent payment or written acknowledgment of the debt from the defendant, revives the debt.

Massachusetts.—Exceptions allowed under the codes of this Commonwealth are as follows : Clothing for debtor and his family, \$300 worth of household furniture, necessary beds and bedding, one stove and \$20 worth of fuel, one sewing machine, library not to

exceed \$50 in value, one cow, six sheep, one swine, two tons of hay, tools, implements and fixtures necessary to the debtor's trade, to the value of \$100, stock in trade to the value of \$100, \$50 worth of provisions, a fisherman's boat, nets and tackle, worth not over \$100, rights of burial, and tombs used as repositories for the dead. Heads of families can own a homestead to the value of \$800, which is not terminated by the death of the husband, or by the death of the wife or the removal of children.

LIMITATIONS.—Ordinary debts, as open accounts, notes and bills, do not outlaw for *six years*; A note signed in the presence of an attesting witness is not outlawed until the expiration of *twenty years*; (that is if said witnessed note remains in the hands of the original payee or his estate.) A court judgment does not constitute a judgment or lien upon a debtor's property unless a levy has been made, and does not outlaw for *twenty years*.

Michigan.—Exemptions are as follows: (1) *Real Estate*, a homestead not exceeding in value \$1,500, consisting of not more than forty acres of farm lands, or one village, town or city lot. *Personal Property*: Spinning wheels, loom, stoves used, seat in church, burial lots, arms required by law to be kept, all wearing apparel, all family pictures, library not exceeding \$150 in value, tools, implements, stock apparatus, team vehicle, horses, harness or other things to enable a person to carry on his principal business, not exceeding \$250 in value; a sufficient quantity of food for six months for live stock exempt; one sewing machine; to each householder ten sheep and fleeces, two cows, five swine, family provisions, and fuel for six months, and also all householders' goods and furniture not exceeding \$250. Any chattel mortgage, bill of sale, or lien on exempt property, except tools of trade, is void, unless wife joins in its execution.

LIMITATIONS.—Actions of contracts, wrongs, etc., must be brought within *six years*; slander and libel within *two years*; on open accounts, from last item charged, *six years*; on bonds, *ten years*. New promises must be in writing. Actions relating to land must be brought within *twenty years*; if right accrued since 1863, within *fifteen years*; by minors, persons insane, or employed on the high seas, etc., within *five years* after removal of disability; on

mortgages, *twenty years* after due or last payment. All court of record judgments exists *ten years*; justice court judgments, *six years*; all judgments can be kept alive by renewal in the proper offices; justice courts have jurisdiction to the amount of \$300.

Minnesota.—The following are the exemptions allowed: Family bible, family pictures, school books, or library, musical instruments for use of family, a seat or pew in any place of worship, a lot in any burying ground, all wearing apparel of debtor or family, all beds or bedding and bedsteads kept for and used for debtor and his family, all stoves and appendages put up or kept for use of debtor and his family, all cooking utensils and all household furniture not herein enumerated, not exceeding \$500 in value; three cows, ten swine, one yoke of oxen and a horse, or in lieu a span of horses or mules, 20 sheep and wool from same, necessary food for stock for one year, provided or growing, or both; one wagon, cart, or dray, one sleigh, two ploughs, one drag, and other farming utensils, including tackle for team, not exceeding \$300 in value; sawing machine, grain necessary for one years' seed, not exceeding 50 bushels of wheat, 80 bushels of oats, 30 bushels of barley, 15 bushels of potatoes, three bushels of corn, provisions for debtor and family for one years' support, provided or growing, or both, and one years' fuel, tools or instruments of any mechanic, miner or other person, used and kept for the purpose of carrying on his trade, and stock in trade not exceeding \$400 in value; library and implements of any professional man, wages of any laboring man or woman, or minor children, not exceeding \$20 due for services rendered during the ninety days preceding the issuing of the process; all the presses, stones, type, cases, and other tools and implements used by any co-partnership, or by any publisher or editor of a newspaper, and in the printing and publication of the same, not to exceed \$2000 in value, together with stock in trade not exceeding \$400 in value; homestead, not exceeding eighty acres of land, with dwelling house thereon, not included in the laid out portion of any incorporated town, city or village, or instead thereof, at the owner's option, land not exceeding one lot if within the laid out portion of any incorporated town, city, or village having over 5000 inhabitants, or one-half acre within the laid out or platted portion of any incorporated town, city or village having less than 5000 inhabitants, with the dwelling

house thereon and appurtenances. All money arising from insurance of any property exempted from sale or execution, when such property has been destroyed by fire.

LIMITATIONS.—Actions for the recovery of real property must be brought within *twenty years*; to foreclose a mortgage, *fifteen years*; upon a judgment of the United States Court or any State or Territory, *ten years*; upon contract or other obligation, express or implied, or upon a liability created by statute, other than upon a penalty or forfeiture, for trespass, for taking, detaining and injuring personal property, for criminal conversation, for injury to person or rights of another, not arising on obligation, for relief on ground of fraud, *six years*; upon action against sheriff, coroner, constable, upon official liability, upon statute of liability and forfeiture, *three years*; action for slander, libel, assault, battery, or false imprisonment, upon a statute of forfeiture or penalty to the State, *two years*; if, when cause of action accrues against a person, he is out of the State, action may be commenced within times herein limited, to the State. No acknowledgment or promise is sufficient evidence of a new or continuing contract, by which to take the case out of the operation of the statute, unless contained in writing signed; but the effect of any payment of principal or interest is not altered.

JUDGMENTS, executions from the superior courts may issue any time after rendering within *ten years*.

Missouri.—**EXEMPTIONS.** A homestead occupied by the owner and head of a family, in cities of 40,000 (or more) inhabitants, a property not exceeding \$3000 in value, and 18 square rods in size; incorporated towns and villages of less than 40,000 inhabitants, not exceeding \$1500 in value, and 30 square rods in size; and in the country a farm of 160 acres, not exceeding \$1500 in value. "Head of family" is very liberally construed. An unmarried man keeping house with his sister, has been held as such. All wearing apparel of the family and various other articles of personalty, cattle, etc., to the extent of about \$400, are exempt. No property is exempt if debtor is about to leave the State, or is a non-resident, and no chattel is exempt from execution (when in purchaser's possession) upon judgment for the purchase price thereof.

LIMITATIONS.—Judgments of court of record, *twenty years*;

actions on notes and other written instruments of every kind, actions to recover real estate in possession or title claims, *ten years*; actions on contract (express or implied) not made in writing; actions on open accounts dating from the last item on the adverse side, in case of mutual agreements or accounts; actions for trespass on real estate; actions for taking, detaining, or injuring personal property; actions for relief on ground of fraud (dating from its discovery), within ten years after its commission, *three years*; actions against public officers for official misconduct or malfeasance; actions for statutory penalties and forfeitures; actions for libel, slander, assault, false imprisonment and *crim. con.*, *two years*; Infants, married women, convicts and the insane have the statutory period above named after their disabilities are removed. A new promise or acknowledgment in writing will take the claim out of the operation of this statute, as will also a part payment of the debt or interest. If the debtor departs from the State, he cannot claim the benefit of the statute for the time he is absent.

JUDGMENTS of circuit court are a lien upon the land of the defendant in the county where rendered for *three years* after their date; and they may be revived at any time within ten years, by rescription by plaintiff or his attorney in the sheriff's office. Justice judgments can be filed against lands by transcript; judgments in other counties than where the debtor's lands are situated, can by certified copy of the judgment be filed in the county where the lands are situated. Justice jurisdiction extends to debts of \$250 in cities of over 50,000 inhabitants, under that to \$150.

MORTGAGE SALES OF LAND.—There is no time allowed for redemption after sale is made; every such sale must be sufficiently advertised. Mortgagees not discharging a mortgage satisfied, in the recorder's office, where recorded, are liable to a penalty for damages, amounting to ten per cent. of the principal amount of the mortgage.

Montana Territory.—A homestead not exceeding in value \$2,500; personal property, including furniture, wearing apparel, provisions, farming implements, mechanic's tools, professional man's libraries and outfits, farm stock and fodder, in all to the value of \$1,000 additional to a homestead.

LIMITATIONS.—Mining claims must be sued for within *one year*; real estate, *three years*, as to possession or title; ordinary contracts in writing and upon U. S. Court judgments, *six years*; actions on accounts, bills or oral contracts, damages to person or property, *two years*.

JUDGMENTS of the courts are liens upon real estate for *two years* after being filed. Execution may issue any time within *six years*.

Nebraska.—Exemptions allowed to debtors against executions, attachments or trustee process, are viz.:—A homestead to head of family to the value of \$2,000 along with personal property as follows: school books, library, etc., pew in church, burial lot, necessary wearing apparel for debtor and family, bed, bedding, all stoves and appendages not to exceed four, and other household furniture to be selected by debtor, not exceeding in value \$100; also one cow, three hogs, all pigs under six months old, and if the debtor is actually engaged in agriculture, in addition, one yoke of oxen, or pair of horses or mules, ten sheep and the wool thereof, necessary food for the stock for three months, one wagon, one cart or dray, two ploughs and one drag, the necessary gearing for teams and other farming implements not exceeding \$50 in value; also provisions for the debtor and his family necessary for six months, provided or growing, or both, and fuel for six months; also the tools and instruments of any mechanic, miner or other person, used for carrying on his trade or business; the library and instruments of a professional man. Nothing is exempt from execution or attachment for clerks, laborers, or mechanics' wages, or for money due and owing by an attorney-at-law for money or other valuable considerations received, collected or otherwise deposited with him, as attorney for any person. The wages of mechanics or clerks or laborers, who are heads of families, in the hands of employers, both before and after due, shall be exempt, provided that not more than sixty days' wages shall be exempt at any one time, nor will the wages be exempt if the person is about to abscond. Persons who are the heads of families and are householders, and having no homestead, are allowed an exemption of \$500 of personal property.

LIMITATIONS.—Actions for recovery or otherwise affecting mortgages, etc., of real estate, must be brought within *ten years*; contracts, agreements in writing, or foreign judgments, *five years*;

contracts not in writing, express or implied, *four years*; persons under age, insane, or otherwise incapacitated, the statute will not commence to run until such disabilities become removed; persons leaving the State, deprive themselves of the rights of the statute, for all such time as absent; written promises to pay, or the payment of any principal or interest, revives the limit to date from such payment. Outlawed claims under the limitation laws of other States, cannot be enforced under the provisions of this State's statutes.

EXECUTIONS may issue at any time within *five years*; judgments are liens as follows:—Federal Courts against any lands within the State; U. S. District Court, within the district, and county court judgments, upon all debtor's lands in the county; transcripts can be made filing any of them against lands owned by debtor in any part of the State. Justice jurisdiction, \$100.

New Hampshire.—The following property is exempt from execution or attachment: A homestead in value not exceeding \$500, during the life of the wife or widow and minority of the children of debtor; necessary wearing apparel, beds and bedding for debtor, his wife and children; household furniture to the value (selected by debtor) of \$100; books and libraries to the value of \$200; mechanic's tools, etc., to the value of \$100; provisions and fuel to the value of \$50; a horse and yoke of oxen and four tons of hay; hog and pig, and pork of same; six sheep, cooking stove and furniture, interest in pew and burial lot in cemetery; sewing machine.

LIMITATIONS.—Actions of trespass to persons, and for defamatory words, may be brought within *two years*; all other personal actions, within *six years*; actions of debt upon judgments, recognizances and contracts under seal, may be brought at any time within *twenty years* after due.

JUDGMENTS are a lien upon all real estate of the debtor within the county or district that they are issued within. Execution may issue any time within *twenty years* from its rendition; justice and police courts have jurisdiction (except where real estate is involved) up to \$100; in some cities their jurisdiction are extended to \$300 or \$500; *one year* is left open to redeem real estate sold under power of sale in mortgage or execution.

New Jersey.—The exemptions allowed are as follows: A homestead, by conforming to the statutes for that purpose, the lot and building thereon, occupied as a residence and owned by debtor, being a householder and having a family, not exceeding in value \$1000. All wearing apparel of debtor and his family, and selected personality to the value of \$200. No property is exempt from its identical purchase money.

LIMITATIONS.—Actions for slander must be sued within *two years*; upon constable's bond and trespass to person, within *four years*; all actions of general trespass, trover, detinue, and replevin, debts not founded on specialty, all actions of account, and on the case, within *six years*; actions on sheriff's bonds, within *nine years*; actions on specialties for payment of money or award under seal, or for rent or lease under seal, within *sixteen years*; on all court of record, or transcripts from other courts recorded, within *twenty years*; part payment of any part of the debt, or a written promise to pay, will revive the outlawed debt. Absence from the State stays the running of the statute, except where plaintiff is a non-resident and the cause itself originated without the State.

JUDGMENTS are only a lien after actual levy on the property; but they can be made a lien on real estate by docketing them in the Court of Common Pleas. Executions levied first, take precedence, although the last on record. *Justice Courts* have jurisdiction in cases of a civil nature, to the extent of \$200.

New Mexico.—Exemptions are as follows: Homestead, actually occupied by head of family, not exceeding in value \$1000; all necessary tools and implements, not exceeding in value \$20; bibles, hymn books, food and provisions, not exceeding in value \$25; and furniture under \$10; wearing apparel, beds and bedding, and fuel for thirty days for debtor and his family. (This is, apart from the homestead, the barest in the United States.)

LIMITATIONS.—*Ten years* adverse possession of real estate under color of title by possession or otherwise, bars all claims and suits whether of law or equity, except as to persons of unsound mind, infants, convicts, or persons beyond the limits of the United States. Action for recovery of payment for personal debts, must be commenced within *one year* after the cause of action accrues. *Executions* issue immediately after rendering of the judgment, and

to different counties, must be issued within *one year* or revived, or they become dead.

New York.—The following property when owned by a householder, is exempt from levy and sale by virtue of an execution, and each moveable article thereof continues to be so exempt while the family, or any of them, are removing from one residence to another; all spinning wheels, weaving looms, and stoves, put up or kept for use in a dwelling house; one sewing machine with its appurtenances; the family bible, family pictures, and school books used by or in the family, and other books not exceeding in value \$50, kept and used as part of the family library; a seat or pew occupied by debtor or the family; ten sheep with their fleeces and the yarn or cloth manufactured therefrom; one cow, two swine, and the necessities of food for the same; all necessary meat, fish, flour, and the vegetables actually provided for family use, and necessary fuel, oil, and candles for the use of the family for sixty days; all wearing apparel, beds, bedsteads and bedding, necessary for the judgment debtor and the family; all necessary cooking utensils, one table, six chairs, six knives, six forks, six spoons, six plates, six tea cups, six saucers, one sugar dish, one milk pot, one tea pot, one crane and its appendages, one pair of andirons, one coal scuttle, one shovel, one pair of tongs, one lamp, one candle stick, tools and implements of a mechanic necessary to carrying on of his trade not exceeding in value \$25. In addition to the above, necessary household furniture, working tools, and team, professional instruments, furniture and library, not exceeding in value \$250, together with the necessary food for team for ninety days, are exempt when owned by a person being a householder or having a family for which he provides, except when the execution is issued upon a judgment recovered wholly upon one or more demands, either for work performed in the family as a domestic, or for the purchase money of one or more articles exempt as above stated. Where the judgment debtor is a woman, whether married or unmarried, she is entitled to the same exemptions and subject to the same exceptions. The pay and bounty of a non-commanding officer, musician or private, in the military or naval service of the United States, a land warrant, pension, or other reward granted by the United States or by the State for military or naval services, a sword, horse, medal, emblem, or device of any kind pre-

sented as a testimonial for services rendered in the military or naval service of the United States, and the uniform, arms and equipments are also exempt. Also the family burying ground, not exceeding in extent one quarter of an acre, and provided a portion of it has been actually used as a burying ground, and does not contain any building or structure, except one or more vaults or other places of deposit for the dead, or mortuary monuments. A proper notice, subscribed, acknowledged and proved as a deed, stating the location and purpose, must be duly recorded in the county where the land is situated, at least three days before the sale by virtue of the execution. Also a homestead, not exceeding in value \$1000, occupied as a residence by a householder, having a family, provided the claim for such exemption has been filed in the office of the clerk of the county where the homestead is situated, in a book styled the "Homestead Exemption Book." The same homestead exemption exists in favor of a married woman if occupied by her as a residence, under the same qualification and restrictions. In case of injury or destruction of the dwelling home, one year's grace is allowed.

LIMITATIONS.—Actions by the State, in respect to real property or its issues or profits, must in certain cases be brought within *forty years*, and in other cases within *twenty years*; to recover real property by a party other than the People, on a sealed instrument or a judgment or decree, within *twenty years*; upon a contract liability, implied or expressed, except a judgment or decree; upon a statutory liability, other than a penalty or forfeiture; for damages for injury to property of person, except as hereinafter mentioned; to establish a will; upon a judgment or decree not of a court of record, within *six years*. Against a sheriff, coroner, constable, or other officer for the nonpayment of money collected upon execution; against a constable by omitting or doing an official act other than escape; upon a statute of penalty or forfeiture where the action is given to the person aggrieved, or to him and the State; against an executor, administrator or receiver, or trustee of an insolvent debtor; to recover damages for a personal injury resulting from negligence, within *three years*. To recover damages for libel, slander, assault, battery, false imprisonment; upon a statutory penalty or forfeiture, or against a sheriff or officer acting in behalf thereof of the State, within *two years*; against a sheriff, coroner, for doing an official act

except as above provided; against any officer for the escape of a prisoner, arrested or imprisoned by virtue of the civil mandate, within *one year*. If a person, entitled to maintain an action, except for penalty or forfeiture, or against a sheriff or officer for escape, is at the time cause of action accrues within twenty-one years of age, insane or imprisoned, or taken in execution for less than a life sentence, the term of all limitations above enumerated may be extended five years after time above specified; in cases of infants, *one year* after they become of age. All payments of money on account or promises in writing from the debtor, takes the claim out of the operation of the statute. *Executions* may issue at any time within five years, and after that time on the application to the court for an order.

North Carolina.—The exemptions allowed every resident of the State are as follows: A homestead not exceeding in value \$1000, to be selected by him; this right is a fee simple. \$500 in value of personalty in addition to the above, is exempt. The homestead cannot be conveyed or waived, except by full and voluntary concurrence of the wife.

LIMITATIONS.—Actions upon contracts, obligations, or liability arising out of contract, where the trespass is proved, upon real property, for taking, detaining, or converting, or injuring chattels against sureties of an executor, etc., or sureties upon a bond or sealed instrument against bail, or for relief on ground of fraud, (including notes, bills and accounts) must be brought within *three years*. On bonds or notes under seal, action is barred after *ten years*. Open current and oral accounts, from the date of last item charged is the rule. Promise to defeat the operation of the statute must be in writing signed by the debtor or his duly authorized representative. *Executions* are a lien on real estate, from the date of docketing the judgment. They may be issued any time within *three years*. Justice Courts have jurisdiction upon contract debts (not real estate) to the principal amount of \$200; in damages to the extent of \$50.

Ohio.—The following are the exemptions allowed against execution or attachment claims:—Every widow and person having a family, holds as exempt, wearing apparel, household furniture, cow, &c., to amount of about \$170, bibles, books, etc., and family pictures, sewing machine, knitting machine, tools and implements nec-

essary to carry on his or her trade or business not exceeding in value \$100; personal earnings of self, minor child or children, for three months next preceding the issuing of execution or attachment when necessary for support and maintenance of debtor's family; specimens and cabinets of natural history or science, unless kept for show or gain. A drayman, who is the head of a family, has his horse, harness and dray; an agriculturist has one horse, a yoke of cattle, with necessary gearing, and one wagon; a doctor has one horse, saddle and bridle and books, medicines and instruments pertaining to his profession, not exceeding \$100 in value. Husband and wife living together, a widow or widower, living with an unmarried daughter or unmarried minor son, hold a family homestead to the value of \$1000; or if none, \$500 in value of personal property; if either husband or wife own a homestead, the \$500 exemption cannot be claimed. An unmarried woman holds exempt wearing apparel not exceeding \$100, one sewing machine, and knitting machine, and books not exceeding in value \$25.

LIMITATIONS.—Action against an executor on bond, save in special cases, must be commenced in *four years*; for recovery of real estate, *twenty one years*; forcible entry and detainer, or detainer only of real estate, *two years*; written agreements, contract or promise, *fifteen years*; contract not in writing, express or implied, liability created by statute, other than penalty or forfeiture, *six years*; trespass on real estate, taking, detaining of personal property, replevin, injury to the rights of plaintiff not arising on contract, and not hereinafter enumerated, and relief on ground of fraud, does not accrue until discovered; for relief not hereinbefore specified, *ten years*. If the person entitled to bring suit be within the age of twenty-one years, a married woman, insane, imprisoned persons, they have, after the disability is removed, in the first class of real actions, *ten years*; in actions not in the first two classes of real action, the times hereinbefore specified. If at, or after the time that the right of action accrues, defendant be out of the State, absconded or concealed, the statute does not run. In cases founded on contract payment thereon, or written acknowledgment thereof, or written and signed promise to pay, takes the operation of the statute to commence from such written promise, or the payment of money on account in like manner; *judgments* of the court of Com-

mon Pleas, are liens upon all the debtor's real estate within the county where recorded. Transcripts from inferior courts may be filled in a like manner.

Pennsylvania.—The exemptions allowed in this commonwealth, are namely:—Real or personal property to the value of \$300, to be selected by the defendant, and to be appraised by disinterested persons appointed by the officer executing the writ, and, in addition thereto, all wearing apparel, bibles and school books are exempt. In case of the death of a debtor, the widow and family are entitled to a similar exemption. A sewing machine belonging to a seamstress is also exempt. Debtors may waive their right of exemption, or by their absconding or committing fraud they deprive themselves of it.

LIMITATIONS.—All actions on contracts, book accounts, notes and other instruments, not under seal, must be commenced within *six* years after the cause of action accrued. Actions for trespass to the person, within *two years*; actions for slander and libel, *one year*. A debt may be revived from the operation of the statute by a distinct oral or written promise to pay it, or by the payment of money on account of that debt. *Judgments* are a lien on all the debtor's reality within the county where rendered. All judgments issued the same day are equal as to right, regardless of the hour; they are good for five years, and at the expiration of that period, may be revived for five years longer, and so on for an indefinite period. *Justice Courts* have jurisdiction outside of Philadelphia county, in sums of \$300; in Philadelphia county only \$100; an appeal is open where the sum involved exceeds \$5.33.

Rhode Island.—Exemptions allowed a debtor: Necessary wearing apparel of his family, uniform, arms, and equipment of militia men; one pew in church, one burial plot; working tools not exceeding in value \$200; household furniture and family stores, not exceeding \$300, of a house keeper; books in use in the family, not exceeding \$300; one cow and one and a half tons of hay, one hog, one pig, and the pork of the same, of a house keeper; mariner's wages until termination of voyage; debts secured by bills of exchange, and promissory notes; ten dollars of wages, except it be for necessities; wages of debtor's wife and minor children.

LIMITATIONS.—*Six years* on book accounts from last item; bond notes, judgments, sealed and unsealed but written promises to pay, *twenty years*. *Judgments* are no lien unless levy in the usual form is advertised and made. Justice jurisdiction is \$100.

South Carolina.—Exemptions are included in and are a part of the constitution of this State, and provide as follows:—The head of each family residing in this State shall have the right to a “family homestead,” consisting of dwelling house, outbuildings, and lands, appurtenances, not exceeding in value \$1,000 and the yearly product thereof, shall be exempt from attachment levy, or sale under any process issued from any court. The following personal property is also exempt: household furniture, beds, bedding, family library, arms, carts, wagons, farming implements, tools, neat cattle, work animals, swine, goats and sheep, not to exceed in value in the aggregate the sum of \$500. No property is exempt from taxes, or the payment of the purchase money therefor; the homestead is not exempt from the payment of labor or money expended on improvement thereon; the income from the homestead is not exempt.

LIMITATIONS.—All real actions, within *ten years*, except when by the State, or persons claiming under the State, then, in such cases, *twenty years*. On foreign judgments, or upon sealed instruments, other than sealed notes or personal bonds for the payment of money only, *twenty years*. The following, within *six years*: (1) on contract, express or implied, and upon sealed notes and personal bonds for the payment of money only; (2) on statutory liability other than penalty or forfeiture; (3) on trespass on real property; (4) for conversion, damage or recovery of personal property; (5) for criminal conversion and personal tort not arising on contract; (6) for relief on ground of fraud (the action dating from the cause thereof accruing). The following, within *three years*: (1) an action against a sheriff upon liability in his official capacity; (2) on statutory liability, when action is given to aggrieved party. The following within *two years*: for libel, slander, assault, battery, or false imprisonment, and upon statutory forfeiture or penalty. All actions for other relief, within *ten years*. Action upon an open account accrues from the last item charged thereon. If the party entitled to bring action, or to defend an action for real property, is an infant, insane, imprisoned, then action may be brought or defended

after *ten years*, and within five years, after the disability has ceased. In all other actions, the time of disability is not counted, except that the time cannot be extended more than five years, by which reason such disability may be for infancy, and in such case the time will be extended to the period of one year after attaining of majority. Persons leaving the State forfeit the right of the operation of the statute. *Judgments* of all courts of record are a lien upon realty for *ten years*, from the date of docketing such judgments.

Tennessee.—The following property is exempt from execution or attachment:—household furniture and goods to the value of \$250; a homestead recorded under the statute as such in the name of the head of the family, to the value of \$1000; a horse, wagon and cart additional. A farmer has also a few farming implements, and what would be required for a year's support.

LIMITATIONS.—The time to commence action on all kinds of commercial paper, is limited to *six years* from the last item on either side of an account, or from the date of maturity of a note or bill of exchange; the "book debt" law gives *two years* (this is an act that is practised by small traders, such as grocers, butchers and milk venders; they have a small account book that is for entering their daily deliveries, and are regarded as cash, but for convenience are entered in what is styled the "book debt" way). Persons under disability to bring or defend actions, have two years after the disability has been removed. *Judgments* are not a lien upon personal property until actual levy; upon real estate the judgment unless registered by abstract upon the deed register for the county, is not a lien; after registration it is only good for *one year*.

JUSTICES OF THE PEACE have jurisdiction upon notes to the amount of \$1000; \$500 on account.

Texas.—Exemptions allowed are : (1) homestead of a family not more than 200 acres in the country, and improvements thereon; in town or city or village, lot or lots, not exceeding \$5000, at time of their designation as a homestead without reference to the value of the improvements thereon, except from forced sale or payment of any debts, other than purchase money thereof or part of such purchase money, the taxes due thereon, or for work or material used in construction of improvements thereon; (2) all household and kitchen furniture, all implements of husbandry, all tools or apparatus be-

longing to any tradesman or professional man; all books belonging to public or private libraries; five milch cows and calves, two yoke of oxen, two horses and one wagon, one carriage or buggy, one gun, twenty hogs, twenty head of sheep, all provisions and forage on hand for home consumption, all saddles, bridles and harnesses necessary for the use of the family; and to every citizen not a head of a family, one horse, bridle and saddle, all wearing apparel, all tools, apparatus, and books belonging to his private library.

LIMITATIONS.—(1) Actions affecting real estate must be commenced within *three, five, or ten years*, according to the time of possession; (2) actions of trespass to estate or person, detinue or trover, for taking away the goods and chattels of another; all actions upon open account other than such accounts as concern the trade of merchandise between merchants, their factors and servants, shall be sued within *two years* after cause of action arose; (3) actions for injuries done to the person of another, shall be commenced within *one year*; (4) actions upon debt in any contract in writing must be sued within *four years*, next after the cause of action arose, and not after.

JUDGMENTS are a lien upon the lands within the county where such judgments are rendered by the courts of record, from the date of it being rendered; transcripts from outside counties are only good from their filing as a lien; execution must issue upon all judgments within one year from the first day that an execution could be issued; the judgment can be kept alive for *ten years*. *Justices* have jurisdiction to the amount of \$200. An appeal is allowable in all cases over \$20.

Utah.—The law allows the head of a family a homestead to the value of \$1000, and personality to each member of the family of \$250; along with household furniture, cooking utensils, wearing apparel, tools of mechanic or tradesman, farming implements, and live stock and fodder, and provisions and fuel.

LIMITATIONS. — Actions respecting real estate, within *seven years*; written contracts or agreements, within *four*; for taking, detaining, or injuring goods or chattels, including an action for their specific recovery, *three years*; upon any oral contract or obligation, such as a store account, etc., *two years*. *Judgment* is a lien

upon real estate, if debtor has been a resident of the county in the territory where issued for two years.

Vermont.—Exemptions from execution, attachment or trustee process, are as follows: Real estate kept and occupied as a homestead, the dwelling and buildings thereon, not exceeding \$500 in value; all rents, products thereof, necessary wearing apparel, household furniture, bed and bedding used by family; farming implements to the value of \$250; a yoke of oxen, ten sheep, all growing crops, three swarm of bees, 200 lbs. of maple sugar, fodder for one winter for exempted stock; professional man's library and furniture to the value of \$200.

LIMITATIONS are as follows: All actions of account, assumpsit (except assumpsit on witnessed note) of debt, upon contract not under seal, express or implied, or of debt on judgment of court, not a court of record of the United States, or of this or some other State, and all actions for torts, except assault and battery, false imprisonment, slander or libel, must be commenced within *six years* next after cause of action accrues; all actions against towns or town clerks for neglect in matter of records affecting property, within *six years* next after final decision, based on such neglect, against the party claiming damage from such neglect; all actions for assault and battery, and false imprisonment, within *three years* next after cause of action accrues; for slander and libel, *two years* after cause arises; against sheriff, for misconduct or negligence of deputies within *four years*; on witnessed promissory note, within *fourteen years*; of debt seire facias, on judgments, within *eight years* from its rendition; on debt on specialties, covenant other than of warranty and seisin, contained in a deed of land, within *eight years* next after cause of action accrues; of covenant on warranty in deed of land, within *eight years* from final decision against the covenantor's title; for the recovery of lands or the possession thereof, and of covenant on covenant of seisin, within *fifteen years* next after cause of action accrues. There are various exceptions to the above limitations in cases of aliens, U. S. soldiers, minors, married women, and persons insane and imprisoned; and in cases of absence from the State, death of party, failure of suit, unavoidable accident in service or return, by default of officer serving the writ or by technical defect. The above limitations do not apply to evidences of

debt issued by moneyed corporations. An acknowledgment or promise in order to take a case out of the statute of limitation must be in writing, signed by the party to be affected; and any indorsement of payment on written instrument, in order to have above effect, must be in handwriting of party making the payment. All claims in set off are governed by above provisions.

Virginia.—The property exempt from execution and attachment is as follows: Wages exempt to amount of \$50; homestead described as such in "Homestead Deed Book" to value of \$2000; mechanic's tools, farmer's ordinary implements of husbandry, necessary family effects; library and family pictures to the value of \$100.

LIMITATIONS.—Upon indemnity bonds, within *ten years*; all sealed instruments for the security of money and recorded and all court of record judgments, within *twenty years*; promissory notes and contracts for payment of money, within *five years*; merchant's accounts, oral agreements, within *two years*, (two years allowed for disability, after the cause is removed, or ceased.) Possession of land within *ten years* if east of the Alleghany range; west of it, *fifteen years*.

Wyoming Territory.—The laws of exemption allow the following: A homestead to the value of \$1500; furniture and effects thereto belonging, to the value of \$500, (separate property belonging to the wife exempt to the same extent); persons engaged in agriculture have a selected exemption of implements, seed and stock, to the value of \$350; professional man's libraries, to the value of \$350; family wearing apparel and appurtenances, when they have no homestead under the statute, to the value of \$150.

LIMITATIONS.—The recovery of possession or title or the revocation of a deed, within *twenty-one years*; all debts in writing, within *five years*; all open accounts and oral agreements within *four years*.

JUDGMENTS are liens upon all lands of the debtor's within the county for five years, and if execution issues within that time it renews it for five years from the expiration of the first term. *Deeds and mortgages* must be in writing, and have two witnesses, and be recorded within three months, or they become void.

Wisconsin.—The exemptions allowed a judgment debtor are as follows: A homestead within any town, city or village, not exceeding a quarter of an acre in extent, or forty acres used for agricultural purposes, outside such city, town, plat or village, is exempt from execution irrespective of value; mechanic's liens or mortgages lawfully obtained thereon, are not affected, but mortgage to be binding the wife must join or waive the right of homestead; such homestead can be sold and removed to be applied into another; if burned by accident, the insurance is exempt from attachment or execution; also, the family bible, family pictures, school books; the library of the debtor, not used as a circulating library; all wearing apparel of debtor and his family; all beds, bedsteads and bedding kept and used for debtor and his family; all stoves and appendages, all cooking utensils, and all other household furniture, not exceeding \$200 in value; one gun, rifle or other firearm, not exceeding \$50 in value; two cows, ten swine, one yoke of oxen, one horse and one mule, or in lieu of one horse and one mule, a span of horses or span of mules; ten sheep, and the wool from the same, either in raw material or manufactured into yarn or cloth; necessary food for all exempted stock for one years' support, either provided or growing, or both, as the debtor may choose; one wagon, cart or dray, one sleigh, one plough, one drag, and other farming tools and implements; or stock in trade of any mechanic, miner or other person, used and kept for the purpose of carrying on his business or trade, not exceeding in value \$200; the library and instruments of a professional man. All the above enumerated property is, however, not exempt from attachment or execution issued upon judgment in an action for the purchase money of same property. There is further exemption to an inventor, all his or her inventions secured by letters patent of the United States; one sewing machine, owned and kept for the use of debtor and his family; any sword, plate, books, or other articles presented to any person by Congress or the Legislatures of the United States; printing materials, presses or press, not exceeding \$1500 in value, as the owner may determine; the earning of all married persons who have to provide for the entire support of a family in the State of Wisconsin for sixty days preceeding the issuing of such process; and all engines, apparatus and equipments, including hose, hose carts, ladders, belonging in any wise to a city or

village, kept for the protection of property from fire, together with the engine houses, hook and ladder houses, and the lots upon which the same are built.

LIMITATIONS.—Actions upon judgments recovered in the courts of record of the State, and on sealed instruments, where the cause of action accrues within the State, may be brought within *twenty years*; actions on foreign judgments, or on sealed instruments where the cause of action accrues without the State, within *ten years*; actions on contract, obligation or liability, express or implied, for trespass on real property, for taking or detaining goods or chattels, or injury to the same, or injury to persons or rights of others; for relief on the ground of fraud, within *six years*; actions for libel, slander, assault, etc., within *two years*; actions against a sheriff for the escape of a prisoner arrested on civil process, within *one year*; adverse possession by a person claiming title founded upon a deed or other written instrument or judgment where the land has been either usually cultivated or improved, or where it has been protected by a substantial enclosure, or where not inclosed it has been used for the supply of fuel or fencing timber, or where a known farm or lot has been partly improved, for the period of *two years*; or adverse possession by a person claiming title not under some written decree, judgment or instrument, where the land has been protected by a substantial enclosure, the recovery of the real estate thus held, is barred in *twenty years*.

JUDGMENTS of the Superior Courts are liens upon all real estate of the debtor within the county, from the docketing thereof for *ten years*; transcripts from the lower courts, and from other counties, are liens from the filing of the certified copy in the clerk of the Circuit Court.

Mortgages may be foreclosed by advertisement or by proceedings in court of equity; the mortgagor has one year in which he can redeem. Justice Courts have jurisdiction, where land is not involved, to the extent of \$200 (the right is claimed to try cases where the original debt exceeded \$200, but the balance claimed having been reduced to the limit of \$200).

Washington Territory.—Exemptions allowed by law: To householders, a homestead not exceeding \$1000; household furni-

ture of value of \$150; other property to equal amount; tools of mechanic and library of professional man of value of \$500.

LIMITATIONS.—An action to recover title or possession to real estate, must be brought within *twenty years*. Debts on a written agreement or contract, within *six years*; other verbal contracts, agreements, running bills of account, *three years*.

JUDGMENTS are liens upon all lands of the debtor within the county where registered, from the docketing of the same.

West Virginia.—Exemptions are namely: Personal property of any kind, to the value of \$200—in this sum mechanic's tools may be included to the value of \$50; this exemption can be claimed by any person of a family, who can be called the head of the same, within the common meaning. Any person may have entered upon the records, in the clerk's office of the County Court, a declaration of homestead, claiming real estate to the value of \$1000; but the person making the same must be solvent, as prior debts cannot be barred thereby.

LIMITATIONS.—Actions to recover real estate must be brought within *ten years* from the date that action accrues. Notes, contracts, whether under seal or not, within *ten years*; on a store account, within *three years*; on all other open accounts and bills, within *five years*; upon all indemnifying bonds of a fiduciary officer, within *ten years*. Persons under age, insane, or otherwise disabled, are limited in all above actions to *twenty years*, or until the removal of such disabilities; all payments, or written undertakings, act as revivers of the time from which the statute will date.

JUDGMENTS are liens upon the real estate of a debtor from the first day in term after being docketed. *Justice Courts* have jurisdiction up to \$100; all court of record judgments and transcripts from justice courts, are good for *ten years*; *real estate mortgages* are not recognized by statute, but are valid between the parties. Trust deeds are used, and by them the property can be sold upon thirty days' notice, and a deed in fee simple obtained therefor.

DOMINION OF CANADA.

Province of Ontario:—The following are exempt from executions:—The beds and bedding in ordinary use by the debtor and his family. The necessary wearing apparel of the debtor and his

family; certain household furniture, one cow, four sheep, two hogs, and food therefor for thirty days. Tools and implements of, or chattels in ordinary use to the value of \$60.

LIMITATIONS:—On simple contracts for the payment of money or other common obligations, within *six years*. Recovery to possession to land, *ten years*. Upon bonds or obligations under seal, within *twenty years*; no new promise will, except in writing, stay the operation of the statute; payment on account is at all times a *prima facie* renewal.

JUDGMENTS are liens upon all real estate within the county; after rendering and being docketed in the sheriff's office. They can be, or any part thereof, kept alive for an indefinite time by the plaintiff or his attorney, renewing them each year in the sheriff's office by superscription entry.

MORTGAGES upon real estate, unless recorded, are not valid against subsequent creditors. All mortgages include a power of sale, according to the period of notice therein specified, and the same after being advertised according to the said specifications in the mortgage, and notices served upon the mortgagor and his wife (if married) can be sold to the highest bidder, and if sold after 30 days is final; the mortgagee can by proceedings in equity foreclose instead of selling, by auction, at will; by foreclosure process it requires at least six months.

LANDS SOLD UNDER TAX OR EXECUTION SALES can be redeemed within one year, upon payment of ten per cent interest and all costs. But lands cannot be sold under an execution within a year after filing, and then upon three months notice by advertisement. Personal property can be sold by the sheriff after eight days' notice after the taking out of the execution.

MAGISTRATES COURTS; The magistrates have only jurisdiction over common disputes between master and servant for wages &c., along with the right of the Peace for ordinary misdemeanors; they have the right in almost every crime committed to commit the defendant for trial to the High Court of Justice and in some cases to fix the bail. Police magistrates are appointed for large towns and cities, and have a greater latitude of power. Every mayor or reeve of a town or township, is a Justice of the Peace by virtue

of his office, while in office. The other magistrates are appointed by the Provincial Attorney General, and hold their commissions during proper conduct and property qualification sufficient, which is fixed at \$1,200.

Province of Quebec:—The exemptions allowed a judgment debtor are as follows :—ordinary wearing apparel of debtor and his family; outfit of cooking utensils; bed and bedding for the use of family; fuel and food for thirty days (not exceeding \$20 in value); one milch cow, four sheep, two hogs, and fodder for all exempt stock for thirty days; tools and implements of use to the value of \$30 ; fifteen hives of bees ; wages due to the value of necessary support for thirty days if not on hand ; wages not due and consecrated articles of religious purposes.

LIMITATIONS:—For open accounts, promissory notes, bills of exchange on sales, etc., *five years*; for damages resulting from offences and quasi-offences, wages of workmen hired for one year or more, sums due schoolmasters and teachers, etc., *two years* ; for slander or libel, bodily injuries, wages of domestic servants and farm laborers, clerks, employees hired for a term less than one year, and for hotel or boarding house charges, *one year*. After ten years architects and contractors are discharged from their warranty of the work they have done or directed. All other titles, things, rights and actions, prescribed by mortgage deeds or otherwise, *thirty years* ; *ten years* undisturbed possession under a translatory title, in good faith, prescribes all such servitudes.

JUDGMENTS of the courts are good for *thirty years* ; they are a lien on all real estate within the jurisdiction, from the place rendered. They may be confessed by plaintiff in court without defence, or through an attorney.

AN UNPAID VENDOR'S RIGHTS are as follows:—(1) Right to revindicate ; (2) a right to preference on its price ; (3) that the sale was for cash ; (4) that the goods are entire in the same condition ; (5) that they have not passed into the hands of a third party who has paid for them innocently. Upon making and substantiating this claim the goods so sold can, at the option of the seller, be recovered within eight days after the same were sold.

TRADITIONAL LAWS AND CUSTOMS are still largely adhered to in this province ; many of them of descent from the old French Re-

public, largely of a semi-religious kind bearing upon the laws of marriage, wills, taxes, education, etc. The native people are jealous of their customs and ways, as they are of their language.

New Brunswick.—Exemptions from execution are as follows: \$20 wages; tools of trade are exempt: small necessities in furniture; wearing apparel; family heirlooms; bibles and other religious books, used in the family.

LIMITATIONS.—Same as in Ontario.

Nova Scotia.—Same as New Brunswick.

British Columbia.—Exemptions: Personal property to the value of \$500. Homestead to the value of \$2,500, if registered under the "Homestead Act."

LIMITATIONS.—See Ontario.

Manitoba.—See British Columbia.

Northwest Territories.—A farm of 160 acres not exceeding in value \$2,000, the settler's necessary implements, seed grain, fodder for work beasts and provisions for his family and wearing apparel, are exempt from execution or attachment.

LIMITATIONS.—Come under the Dominion Land Act as to real estate and to court and commercial claims, similar to the Province of Ontario.

PART III—CHAPTER I.

Laws of the different States in the United States and of the Provinces of the Dominion of Canada relating to Commercial paper.

Alabama.—Bills of exchange, notes payable at a bank or banking house or other certain place, three days grace ; no other paper has. All acceptances must be in writing, except an unconditional promise in writing to accept (such a letter written to drawer) a bill before drawn, amounts to actual acceptance at law if the terms of the letter are complied with. The statute provides five per cent damages on bills of exchange protested for non-acceptance or non-payment outside the State when drawn within the State.

Arizona.—See California.

Arkansas.—Upon all sight and time paper, there are three days grace ; demand paper only, or time paper specified "without grace," bear none. Demand notes are protestable to hold indorsers. When last day of grace falls on Sunday or a legal holiday, the paper is due and payable the banking day previous. All notes and bills of exchange drawn or negotiated within this State and payable after date to order or bearer shall be duly protested for non-acceptance or non-payment and subject to the following damages therefor: Domestic bills 2 per cent. outside of State but within United States 4 per cent. to 5 per cent. Foreign paper, 10 per cent.; damages are upon the face amount of bill. The damages have in no case ever been enforced, and it has practically become obsolete.

California.—The laws allow no grace on any commercial paper made within the State. In order to hold an indorser on demand note, but not upon checks or sight or demand drafts, suit must be brought within one year after demand. All paper made and payable in this State comes under this law. Indorsers are treated as makers ; paper maturing on Sunday or legal holiday, is payable the banking day following.

Colorado.—All promissory notes, drafts and checks drawn to order or bearer are negotiable ; no grace on sight drafts ; checks

are payable on presentation. Paper falling due on Sunday or legal holidays is payable and protestable the banking day preceding.

Dakota.—Notes, bills of exchange, checks drawn to order or bearer are negotiable without defence in the hands of a third party, who is innocent of the value given for the paper. The only defence in such a case would be that the paper was a forgery. No grace allowed on sight, demand drafts, or checks. Paper maturing on Sunday or a legal holiday is payable the day preceding if a banking day. Indorsers are jointly liable with makers if not indorsed for accommodation.

Connecticut.—All notes payable to bearer or order are negotiable; demand notes must be protested, to hold indorser, within four months after demand. Days of grace are not allowed on orders, drafts drawn on sight, demand notes, or demand drafts. When paper matures on a Sunday or legal holiday, it is payable and protestable the day preceding. Drafts drawn and dishonored or not paid and returned protested, are subject to the following damages:—On New York City, two per cent.; places in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and New York (outside of N. Y. City), New Jersey, Pennsylvania, Delaware, Maryland, Virginia, three per cent.; on places in North Carolina, South Carolina, Ohio, Indiana, Illinois, Michigan, Kentucky and Georgia, five per cent., on all other states and territories in the United States, eight per cent.

Delaware.—The common law is regarded in this State, without any statutory innovations; all paper payable to bearer or order is negotiable; paper maturing on a Sunday or legal holiday is due and payable on the next banking day; all notes or bills of exchange, or drafts of time, carry three days grace; sight drafts, demand drafts and notes, carry no grace. Notes given for illegal considerations, payment of them cannot be enforced, though held by a third and innocent party.

District of Columbia.—Same as Delaware (The Common Law of Merchant.)

Georgia.—There is no grace allowed on sight drafts; notes or other bills falling due (including last day of grace) upon a Sunday or legal holiday, are payable the day preceding. Person nego

tiating paper after due, assumes the defences (if any) of the payer ; notes or bills of exchange are protestable that are payable at banks or brokers' offices, or when discounted there or left for collection. In other cases to hold indorsers it is not necessary to protest. Negotiators of paper without such conditions as may appear on its face or back, are clear of all defences set up by the maker, except for fraud and gambling.

Illinois.—Promissory notes, bonds, due bills, and other instruments in writing, may be payable in money or personal property, and are assignable by indorsement. The indorser is released if the holder does not proceed against the maker at the first term of court after maturity of the obligation, unless the institution of suit would have been unavailing, or the maker had absconded or resided without, or had left the State when the instrument became due. Protest does not fix the liability of the indorser ; it can only be done as before stated. Instruments payable to bearer are transferable by delivery, and indorsers of such instruments are liable as guarantors, unless otherwise expressed in the indorsement. Guarantees are held liable regardless of the diligence used in prosecuting the maker, it being an independent, or on presentment. Upon bills of exchange drawn or indorsed within the State, and payable without the United States, duly protested, ten per cent. damages are collectable, and upon those payable within the United States, in cases where suit is brought, five per cent.

Indiana.—Promissory notes payable to order, or bearer, at a bank in this State, and bills of exchange are governed by the law Merchant. Promissory notes, not payable at a bank, subject to any defence or set-off maker may have against payee, or any subsequent holder, accruing before notice of assignment. On last named notes (not payable at a bank) maker must be exhausted before indorser can be sued. Protest not necessary to hold indorsers of such notes, but to hold them, maker must be sued at first term of court after maturity, unless he is shown to have been insolvent at the time of such maturity. Upon all bills drawn within this State and returned protested for non-acceptance or non payment, the same is subject to a charge upon the principal sum of five per cent. damages, and all places within the United States a like charge ; outside of the U. S. ten per cent. All paper time and sight carry three days grace ;

paper maturing on Sunday or a legal holiday, is due the day previous if a bankable day.

Iowa.—All paper, foreign and domestic, is regarded as negotiable that is drawn to bearer or order. There is no law inflicting damages other than protesting upon commercial paper. Grace is allowed upon all time paper, and sight drafts. The law of acceptance leaves it open to accept payable at a certain place or generally as preferred. Paper maturing on Sunday or legal holiday is payable the day previous, as in Indiana.

Kansas.—All bonds, promissory notes, bills of exchange, foreign or inland, drawn for any sum or sums of money certain, and made payable to any person or order, or to any person and bearer, shall be negotiable by indorsement therein if payable to order, and by delivery if payable to bearer, so as to absolutely transfer and vest the property thereof in each and every indorser or holder successively ; but nothing in this shall be construed to make any such paper drawn to any person alone, and not drawn payable to any order, bearer or assigns, negotiable. All such paper, except bank checks and sight drafts, carry three days grace. If such paper matures with its last day of grace on a Sunday or holiday, is due and protestable the banking day previous. All acceptances must be signed by the acceptor.

Kentucky.—Bills of exchange, foreign and inland, drafts and checks, are negotiable. Promissory notes, payable to any person or corporation and payable at a bank in the State, and indorsed to and discounted at any bank in the State, are negotiable in the same manner as foreign bills of exchange. Negotiable paper must be protested for non-acceptance or non-payment, and notice given to indorsers or drawers. Promissory notes not negotiable may be assigned, but the assignee takes them subject to all defences which the maker would have against the payee. The assignee cannot recover from the assigner of notes not discounted, beyond the amount paid for the assignment, and can only recover this after he has prosecuted the maker to insolvency with all due diligence, which has been construed to mean : to bring suit at the first term of court after the note falls due, and if this is not done, the maker is released.

Louisiana.—No bill of exchange, promissory note, or other obligation for the payment of money, made within this State, shall be received as evidence of debt, *when the whole sum shall be expressed in figures*; the cents may be in figures. Bills of exchange, promissory notes and commercial paper which are required to be protested for non-payment, shall be due and payable the day *following* the third or last day of grace, if such day falls on Sunday or a legal holiday (or the bankable day next after.) All notes payable to order or bearer are negotiable. All time and sight paper is protestable on the last day of grace. Notes, bills, stocks, etc., may be pledged or pawned for money; such pledge or pawn is valid as to parties themselves and third persons, without further formalities.

Maine.—Bills of exchange (foreign), drafts, checks and promissory notes payable to bearer, the maker or his order, or the order of any third party, are negotiable. Three days grace is allowed in payment. If not so paid, must be protested, and certificate of protest is evidence of presentation, and non-payment notice must be immediately given indorser to charge him. All acceptance must be in writing to be legal.

Maryland.—See Delaware.

Massachusetts.—All notes, bills, drafts of time and at sight, and other commercial paper of a like nature, has three days grace, and when payable to bearer or order, is negotiable. Demand notes must be protested at the expiration of sixty days if indorsed, to hold indorsation good at law. When the third day of grace falls on Sunday or a legal holiday, the paper is due and protestable the banking day preceding.

Michigan.—All paper negotiable by the custom of merchants, is negotiable in this State. Promissory notes, bills of exchange, drafts and checks pass by simple indorsement, and in hands of *bona fide* holder receiving the paper before due, are not subject to equities between previous parties. Holders may sue indorsers and makers separately or collectively. Notes given for patent rights, are required by law to have these words:— "*Given for a patent right*" either written or printed in plain type or letters across its face. (This latter condition upon a note, given for patent right,

is held by the courts of this State to be unconstitutional. The law of common commerce the world over, is supposed to be founded upon justice and equity to all engaged in trade or commerce. That a patentee of a useful invention or device should be compelled to suffer a cloud upon paper he might receive for the right to manufacture his invention or operate his device, because other worthless impositions have been unlawfully passed upon the public, seems to be too plain to need any answer, beyond a reasonable thought.)

Minnesota.—The law of this State does not give its definition of negotiable paper. Liability of indorsers is fixed by protest and notice. Notice of protest must be made in writing, and such notice may in all cases be given by depositing the same in the post-office, postage paid, and directed to the party protested against, at his reputed place of residence. Indorsers and makers may all be joined in case of suit at option of plaintiff. To charge an indorser of a demand note, note must be presented on or before sixty days from date. On all bills payable at sight, or at a future day certain within this State, and on all negotiable promissory notes, orders and drafts payable at a future day certain within this State, in which there is not an express stipulation to the contrary, grace shall be allowed in like manner as it is allowed by the custom of merchants on foreign bills of exchange, payable at the expiration of certain period after date, or sight. Grace is not allowed on demand paper. No acceptance good unless accepted in writing.

Missouri.—No acceptance of a bill of exchange is valid unless in writing, and if the acceptance is not written on the same paper with draft it does not bind the acceptor, except in favor of a person who has seen such acceptance or taken the bill for value in good faith thereof. Promissory notes payable to order or bearer and expressed so to be "for value received" are negotiable. *Damages* are allowed the holders of bills or negotiable paper (when not payee's) upon protest thereof, as follows:—(1) When same are made or drawn in this State and protested for non-acceptance or non-payment, 4 per cent of the amount named in the instrument; (2) when same are made or drawn out of the United States or Territories, 10 per cent; (3) when same are made or drawn out of the United States, 20 per cent. These sums are recoverable, but no

protest fees are chargeable ; and, in case of paper made payable in Missouri, may be avoided by payment of the actual protest fees, the principal and interest within twenty days after such dishonor. A refusal to redeliver a bill, tendered for acceptance or its destruction, is in law, the acceptance thereof. All bills, drafts, or orders, drawn upon a resident of this State, and payable on its face "at sight" or "on demand" have no days of grace. Notice of dishonor must be promptly given to indorsers, otherwise they are discharged. Protest of inland bills and notes is not necessary, but is customary and advisable. Notes and bills falling due on Sunday or a legal holiday are payable and protestable the banking day previous. Conditions embodied in a note destroys its negotiability, such as: "5 per cent for attorney fees will be charged for collection."

Montana.—Same as Maryland, (The Law of Merchant.)

Nebraska.—All bonds, promissory notes, bills, or exchange, foreign and inland, drawn for any sum or sums of money certain and made payable to any person or order, or to any person and assigns, shall be negotiable by indorsement thereon, so as absolutely to transfer and vest the property thereof in each and every indorsee successively, but not so if such paper is drawn to any person alone and not drawn to or payable to order, bearer or assigns ; if such paper is made payable to bearer it shall be transferable by delivery. Indorsee may sue in his own name the maker, drawee or obligar, etc. All such negotiable paper shall be entitled to three days grace in the time of payment ; and the demand of payment from the maker, on the third day of grace, or of acceptance, if the paper be a sight draft and notice thereof to the indorser be made within reasonable time, shall be adjudged due diligence. If paper is indorsed after due, it is subject to all defences existing between original parties, and if indorsed before due maker may prove any payments made on showing indorsee had notice thereof before paper was indorsed to him. Drawer or indorser shall be subject to the payment of 12 per cent damages if protested, when drawn upon persons or person or body corporate, without the jurisdiction of the United States, and 6 per cent if drawn upon any person within the jurisdiction of the United States, and without the jurisdiction of Nebraska.

New Hampshire.—Promissory notes, bills of exchange, drafts and checks are generally negotiable by indorsement and be-

fore due are in the hands of a bona fide holder for value, clear of all equities or set-off between the original parties. Notes payable on demand are by the statute considered overdue in sixty days from date. Overdue notes are negotiable, but are subject to existing equities between original parties at time of transfer. By the decision of the Supreme Court of New Hampshire all names upon a note, whether upon the face or on the back, before its negotiation, are holden as promissor. The maker and indorser of a note are all regarded as principals as far as the holder is concerned, and he may elect which to sue. He may sue them all, but can have but one satisfaction of the debt. Demand and notice of non-payment are necessary to fix liability of an indorser. The bona fide holder of a note indorsed and transferred before maturity for value, and without notice of illegality, *takes it free from all defences between the original parties*. Forged notes, notes signed by an agent without authority, or by an infant, or an alien enemy in time of war, are exceptions to the above rule, but a married woman can, like an infant, only rescind her contracts upon restoring the property received under them.

New Jersey.—Bills of exchange or promissory notes are governed by the Law Merchant, or common law. All drafts, except those on banking institutions, have three days grace. Drafts and notes due on a legal holiday, are payable on the banking day previous; notice of non-payment to be given the day after. But if a legal holiday (other than Sunday) should happen on Sunday or Monday, bills are payable on Tuesday, and the notice may be given on Wednesday. Notices may be given by mail in all cases. All holidays falling on Sunday, the day is held to celebrate on Monday.

New Mexico.—Makers, indorsers, payees, guarantors of bills of exchange or promissory notes, have the same rights, and are subject to the same liabilities, as at common law, except no days of grace are allowed. Paper falling due on Sunday or on a legal holiday, is payable on the next banking day thereafter. Notes, bonds, due bills, and all instruments in writing, of which the maker promises to pay to another, or order, or bearer, a sum of money in property or labor, are assignable by indorsement.

New York.—Bills of exchange (foreign), drafts, checks, and promissory notes payable to the order of maker or the order of an-

other or third party, are negotiable by indorsement. The delivery of a note payable to bearer is a transfer at law. Three days grace is allowed on all paper of time. Inland sight drafts and demand notes have no grace. Paper maturing on Sunday or upon a legal holiday is payable the day previous if a banking day. Protest certificate is lawful evidence in any court of non-payment or non acceptance. Notices must be immediately mailed to all indorsers to bind them with maker.

North Carolina.—Bills, bonds, and promissory notes, &c., are transferable by indorsement. Such assignment before maturity passes title free from all equities. But assignment after maturity is subject to the equities arising between debtor and assignor, before notice of assignment to debtor. An indorser of a note is deemed a surety; and no demand on maker is necessary before suit against surety or indorser. This does not, however, apply to bills of exchange, inland or foreign. Protest of notes not necessary to hold maker. Protest is necessary on all bills to hold drawer, and is necessary on all bills to hold indorser. Unless otherwise expressed in the body of note, all notes with no rate of interest stipulated, will bear interest at the legal rate, after maturity, until paid.

Ohio.—Bonds, promissory notes, foreign or domestic bills of exchange and checks for any sum certain, payable to any person, or order, or bearer, or assigns, are negotiable. They are entitled to grace, if payable at day certain after date, or after sight, excepting checks, bills of exchange or drafts, on their face drawn on any bank, banker, broker, exchange broker, or banking company; and such excepted paper need not be protested for non acceptance, or notice given of non-acceptance. The indorsement of a stranger to a note before delivery makes him a maker, indorser or guarantor; unless so intended by the parties, a negotiable instrument given for a pre-existing debt does not pay the debt. Paper falling due, by last day of grace, on Sunday or a public bank holiday, is due and protestable the banking day preceding.

Pennsylvania.—Promissory notes, bills of exchange, drafts and checks, are generally negotiable by indorsement, and if they contain the words "without defalcation" or "without set-off" are, in the hands of a bona fide holder for value, clear of all equities or set-off between the original parties. Overdue notes are not nego-

liable, but are subject to existing equities. By the decision of the Supreme Court of Pennsylvania, where a note is indorsed by a third party, before delivery to payee named in it, such indorser is not responsible to the payee, unless he agreed in writing to guarantee the note to payee. He takes the position of second indorser, and as such is responsible only to subsequent holders. The Supreme Court of the United States, however, has decided that such indorser may be responsible to the payee, and if the latter be a resident of another state he could, therefore, recover on such a note in the United States Courts. The holder of a promissory note may bring suit against the maker, or any one of the prior indorsers, or he may bring separate actions against all, at his pleasure. He can have but one satisfaction. Either protest or actual notice of non-payment is necessary to hold the indorsers responsible, but neither is necessary to hold the maker. Any promissory note or negotiable instrument given for a patent right must have the words "Given for a patent right" prominently written or printed over the signature, and such note in the hands of any purchaser or holder is subject to the same defences as in the hands of the original holder. But an innocent holder of a note taken before maturity without these words in it is not affected by such defence. But it is a misdemeanor to take, sell or transfer any promissory note or negotiable instrument, known to have been given for a patent right, without these words so written or printed over the signature.

Rhode Island.—Promissory notes and bills of exchange negotiable or indorsable, according to the custom of merchants which follows the Law of Merchant; all time paper and sight drafts have three days grace. To hold indorsers must be protested; indorsers, are then held as joint makers.

South Carolina.—Foreign bills of exchange and promissory notes are negotiable. If amount of bill is more than \$100, endorser is not liable unless protested for non-payment. All bills of exchange payable at sight, whether foreign or domestic, are entitled to three days grace. Interest to run from date of protest for non-payment or non-acceptance.

Tennessee.—Statute law the same as common law, with few minor exceptions. The holder can sue maker, drawer, acceptor, or

either indorser, without reference to liability on the note or bill. Bill of exchange drawn or indorsed in Tennessee, drawn upon a person or corporation out of the State, and returned unpaid and protested, payee may recover from drawer or indorsers, besides protest fees, principal and interest, damages as follows :—three per cent. if drawn on person or corporation within the U. S. or Territories ; fifteen per cent. if drawn upon any person or corporation in any other part of North America or Islands lying in or bordering on the Gulf of Mexico ; twenty per cent., if drawn on persons or corporations in any other part of the world.

Texas.—Assignment fully recognized. Assignee may bring suit in his own name. If obtained after maturity, all just discounts against assignor allowed against assignee ; not so if obtained before maturity for a valuable consideration, and without notice of discount or defence against the note. The liability of the drawer of a bill of exchange, or indorser, or the indorser of a promissory note, is secured and fixed, without protest or notice, by suit at first term of court (See Illinois) after right of action accrues. When amount is within the jurisdiction of the magistrates' court, the same may be sued within sixty days thereafter. Three days of grace allowed on all negotiable paper, including sight drafts.

Utah.—Regulated by Law Merchant.

Vermont.—Promissory notes, bills of exchange, drafts, and checks, with negotiable words, are negotiable in conformity with the rules of general Mercantile Law, and in the hands of any *bona fide* holder of value, becoming such before maturity, are clear of defences, good between original parties, without words to that effect. An indorser who is not a party is *prima facie* joint promissor—and if there are sureties, co-surety, if he so indorse after delivery of note, and not in pursuance of any contract made at time of delivery, upon his showing the fact he will be held *prima facie*, as collateral guarantor, and as such entitled to reasonable notice of default of principal. If a note so indorsed be negotiated, and the endorsee would hold such guarantor as joint promissor, the burden of proof is upon the former to show himself *bona fide* holder of value. It is the duty under heavy penalty, of vendor of patent right, or right claimed by him to be such, who takes any promise or obligation in writing of which the consideration, in whole or part, is such right,

to insert in body of such instrument above signature, in prominent and legible writing or print, the words "Given for a patent right," and such instrument is subject in any hands to all defences good between original parties; such instrument is not rendered void by omission of above required words, but is good in hands of *bona fide* holders of value, who takes it before maturity and without notice. When paper falls due on a legal holiday or Sunday, it is payable and protestable the banking day preceding. Time paper has three days grace. Sight and demand paper no grace. Paper discounted at a bank or banking house or trust company, and made payable at a bank or certain place, and if left for collection or discounted at such bank or banking house or trust company's place, the payor need not be notified, but if the paper is made payable at no certain place and the payee assigns it, the assignee must notify the payor or any other creditor of the payee could attach by trustee or execution the same by serving a trustee upon the payor thereby depriving the assignee of his claim.

Virginia.—The law of Virginia in regard to commercial paper recognizes the negotiability of all foreign bills of exchange, but provides that only "every promissory note" or check for money payable in this State, at a particular bank, or at a particular office thereof for discount and deposit, or at a place of business of a savings institution or at a place of business of a licensed broker, and every inland bill payable in this State shall be deemed negotiable. Promissory notes not payable as above may be transferred, and if not paid when due may be sued on by the holder, but any offset or matter of defence which the maker would have against the note may be set up in action by such holder though he was an endorsee. Bills of exchange, both foreign and inland, may be accepted generally (even though drawn on a particular place, when the bill must be presented to the acceptor wherever he may be) or specially payable at some particular place. All time and sight paper payable at banks, etc., have three days grace. Notes or bills falling due on Sundays or legal holidays are payable the banking day preceding.

Wyoming Territory.—Same as Rhode Island, follows the Law Merchant.

Wisconsin.—All notes in writing made and signed by any person or corporation, or by an agent having general or special au-

thority, and certificates of deposit issued by any person or corporation and payable to order or bearer, are negotiable as inland bills of exchange, upon which three days grace are allowed, except notes and drafts payable on demand. Notes given for patent rights must contain in the body of the note, above the signature, in prominent and legible writing or print, the words "Given for a patent right." Notice of protest by notary must be made and delivered, by mail, to each person entitled to such notice. All paper falling due on Sunday or a legal holiday is payable and protestable the day of banking previous.

Washington Territory.—Same as Rhode Island; the Law of Merchant.

West Virginia.—"Every promissory note or check for money payable in this State at a particular bank or at a particular office thereof for discount or deposit, or at a place of business of a savings bank or institution, and every inland bill of exchange payable in this State, shall be deemed negotiable." Bills of exchange, though payable at a particular place, will be deemed accepted generally, unless the acceptance express it is to be payable at some particular place "only." Promissory notes other than those mentioned may be transferred and the holder may sue on them, but he takes such notes subject to such set-offs as the payee may have against the payment at the time. There is no protest necessary on the latter class or upon any bills or notes. A written notice, however, is customary, but it is for courtesy more than law.

DOMINION OF CANADA.

Province of Ontario.—Three days grace are allowed upon all bills of exchange, promissory notes, drafts, including sight drafts; demand notes and drafts are payable on demand, and if not so paid are protested. Protest fixes the liability of all indorsers and the holder if for value before maturity is free from all defences between the original payee and payor. The only defences that can be maintained are: notes that are given by a minor, forged, or given for gambling. The courts in the latter have expressed a doubt, if the holder had no positive knowledge of it. Paper maturing on Sunday is due the next day. Paper maturing on a holiday (except

Good Friday, and Christmas) is due and protestable the same day if a business day; paper falling due on Good Friday and Christmas, is payable the next business day. Upon other holidays, the banks keep the wicket open for payment "only of bills maturing." Notes given for patent rights, must state upon the face, "Given for patent right." Bills Stamp Act has been abolished.

Province of Quebec.—Bills of exchange and promissory notes are, when payable to bearer, negotiable and transferable, the first by indorsement, the latter by delivery. The protest fixes the liability of every indorser as a joint maker, only that if sued and judgment given, the sheriff may give, at his privity, preference to the indorsers. Indorsers are relieved if the holder grants extension for payment by accepting the maker's note, and the protested old notes as collateral, without notifying the indorsers. Three days grace are allowed upon all time and sight paper. Bills falling due on Sunday or holidays are payable the next banking day.

Nova Scotia.—Same as Quebec.

New Brunswick.—Three days grace are allowed for the payment of all sight and time paper. Every kind of commercial paper must be protested to hold indorsers, unless guarantors who, in indorsing a note or bill, check or draft, write in their own hand, above their signature, "I (or we) guarantee the payment hereof." Protest notice from a notary of the public mailed the same day to all indorsers, fixes the liability upon them all alike. Paper falling due on Sunday or legal holiday is payable the day following.

Prince Edward Island.—Same as New Brunswick.

Manitoba.—Same as Ontario. Only no condition restricting patent right notes.

Northwest Territories.—Same as Ontario. Except no patent right condition.

British Columbia.—Same as Ontario. Except no patent right condition.

PART IV—CHAPTER I.

Interest Laws of each State and Territory of the United States and the Provinces of Canada.

Alabama.—Eight per cent. per annum is the legal interest; a higher rate (except by licensed pawnbrokers) is usury, and cannot be collected.

Arizona.—Persons can contract for whatever rate of interest they see fit. 7 per cent. is the rate allowed by law where no interest is specified.

Arkansas.—Agreements to pay any rate is lawful under 10 per cent., over that rate non-collectable. The legal rate is 6 per cent. per annum.

California.—See Arizona.

Colorado.—Where no interest is agreed upon the rate allowed by law is 10 per cent.

Connecticut.—Six per cent is the legal rate; more can by agreement be lawfully collected.

Dakota.—Seven per cent. is the legal rate; 12 per cent. can be charged by agreement. Higher rate act as a forfeiture of all interest.

Delaware.—Six per cent is the legal rate (except to pawnbrokers). Any charge made either by discounts or otherwise that exceeds this rate, forfeits both principal and interest.

District of Columbia.—Ten per cent. by agreement; 6 per cent. where no rate is stipulated. If more than these rates are charged the penalty imposed is the forfeiture of all interest.

Florida.—Eight per cent. is the rate by law where no rate is stipulated. Agreements by parties no matter what amount if duress cannot be set up, is collectable at law.

Georgia.—Six per cent. allowed by the courts; 7 per cent. upon all commercial paper; 8 per cent. under mortgage or bond or such like agreements.

Idaho.—From 10 per cent. per annum upwards to 2 per cent. per month is lawful. Higher rates are illegal and imposes a penalty of treble the amount charged to be deducted from the principal amount.

Illinois.—See District of Columbia.

Indiana.—Six per cent. is the legal rate. By agreement 8 per cent. can be collected. Excess of these rates, the law provides that the legal rate alone will be allowed (6 per cent.)

Iowa.—The legal rate is 6 per cent. per annum. In contracts as high as 10 per cent. can be collected. Store accounts bear 6 per cent. after the last item charged on the bill, if not paid within six months. If more than 10 per cent. is exacted and not in writing, it subjects a forfeiture of double the amount received.

Kentucky.—Six per cent. rate allowed by statute. If more charged it can be recovered back.

Louisiana.—Five per cent. is the legal rate. By agreement 8 per cent. If embodied in principal and discounted under certain conditions, the courts will admit it; if more than legal limit is sought to be collected by agreement or otherwise, subjects the whole interest to be forfeited.

Maine.—See Connecticut.

Maryland.—See Kentucky.

Michigan.—The legal rate is 7 per cent. per annum. Agreed upon as high as 10 per cent. All charges in excess of these rates can be recovered back.

Minnesota.—See Michigan.

Missouri.—Same as Iowa, only penalty of forfeiture goes to the public school fund. If it has been paid, it cannot be recovered back.

Montana.—See Colorado.

Nebraska.—Same as Michigan, only the penalty for usury is forfeiture of all interest.

New Hampshire.—Six per cent. is the legal interest. More charged in any way is not collectable, and forfeits in addition to the excess, all interest agreed to be paid.

New Jersey.—Six per cent. is the lawful interest. In excess of this amount it cannot be collected, and if collected can be sued for and recovered back by the party paying the same.

New Mexico.—Where no interest is stipulated, 6 per cent. is allowed. Any rate charged by agreement is lawful and collectable.

New York.—Six per cent. is the legal rate of interest. For charging more than this, a penalty of forfeiture of all the principal and interest is imposed.

North Carolina.—See New Jersey.

Ohio.—Six per cent. is the legal rate of interest. When agreed upon 8 per cent. can be charged. All charged in excess of these rates can be recovered back with costs.

Pennsylvania.—Six per cent. is the rate allowed by the Courts in all cases of Chancery funds or moneys paid into Court, or where no rate is stipulated, and is left to the Courts to fix. Where interest in excess of this rate has been paid, the party paying the same, if he institutes proceedings at law against the receiver, within six months, can recover the same back with costs. Savings banks and building societies are by special provisions in their charters permitted to loan at higher rates. The conditions that such charters usually contain, are that they can loan to mechanics and tradesmen near the value of their homesteads, and spread the repayment of the same (See Clark's interest tables) over many years in instalments that include principal and interest.

Rhode Island.—See Connecticut.

South Carolina.—Seven per cent. is the legal rate. All interest charged in excess of this rate is recoverable back and it is at the discretion of the court to impose a penalty of forfeiting all the interest paid.

Tennessee.—See New York.

Texas.—Eight per cent. is the legal rate. Twelve per cent. per agreement. All paid in excess subjects the forfeiture of all interest.

Utah.—Ten per cent. is the lawful rate of interest. Agreements in writing for more are collectable.

Vermont.—Six per cent. is the legal interest. Savings banks are allowed to collect 6 per cent. semi-annually. Interest can be es-

timated upon interest, when the same accrues by non-payment when due ; 6 per cent. discount is legal in banks.

Virginia.—See New Jersey.

Wyoming.—See Texas.

Wisconsin.—See Michigan.

Washington Territory.—See Utah.

West Virginia.—See Pennsylvania, except that excess can be recovered at any time within five years.

CANADA.

Province of Ontario.—Interest allowed at law upon Court funds (unless a lower rate is stipulated in writing) is 6 per cent. Any rate can be charged in mortgages, bonds or other agreements stipulating interest, if the rate is printed or written in plain readable manner so that the person or persons agreeing to pay the same is not in any respect deceived. If otherwise the whole principal and interest is forfeited. Banks are now limited to 7 per cent., and it is usury over that amount.

Quebec.—Six per cent. is the legal rate of interest. Agreements admit of any rate under the same rules as Ontario.

New Brunswick.—Six per cent. is the lawful rate of interest, but agreements for more are valid, in conformity of the same rules as in Ontario.

Nova Scotia.—Six per cent. is the legal rate. Seven per cent under agreement upon real estate security. Ten per cent. on personal property. The same rules as Ontario as to interest being inserted plainly.

British Columbia.—See Ontario. (Except banks are not restricted.)

Manitoba and Northwest Territories.—See Ontario.

PART V.—CHAPTER I.

Arrest for civil debts.

Alabama.—There is no imprisonment for debt.

Arizona.—Same as California.

Arkansas.—The same as California, only that a good and sufficient bond with two sureties is required from complainant for security against damages, in case of wrongful arrest.

California.—Defendant may be arrested in civil actions of contract arising within the State; also when embezzlement, fraud, false pretences in obtaining credit, concealing of property or disposing of the same to prevent his creditors from recovering their claims; wrongful conversion of personal property, with a view of defrauding his creditors.

Colorado.—The same as Alabama.

Connecticut.—The same as in force in California, only a provision is made under the statute, for an immediate examination within *four days* thereafter; also there is a “Poor Debtor’s Oath.” The law exempts any person so arrested to the amount of money or personal effects to the value of \$17.

Dakota.—The same as the laws of California, except that all debts upon which arrest orders can be procured from the courts must be under contract in writing.

Delaware.—The same as Maryland.

District of Columbia.—No arrest can be made in the District of Columbia, except in cases of well grounded evidences of fraud. Plaintiff must show that debtor is about to clandestinely leave the District, by some actual performance on the part of such debtor, such as having disposed of his goods in part or whole, or advertised himself in his conversation to some reliable person, as intending to remove from the District; that he has been removing, shipping, concealing, or otherwise conniving by secret contrivance to dispose of his visible property and for the express purpose of evading the just and honest payment of his debts: upon such

evidence being established, the judge of any of the superior courts may issue or cause to issue warrants of commitment for such debtor; in all such arrests, an immediate hearing is stipulated.

Florida.—The same as Alabama.

Georgia.—If a personal demand can be made by the creditor upon the debtor in presence of credible witnesses, to produce the property, and the debtor refuses to do so, or give a satisfactory reason for not doing so; and that evidence can be shown that he is about to flee from the State; in such cases and upon the affidavits of such creditor and witnesses as aforesaid, the judges of the circuit court will grant warrants of personal arrest.

Idaho.—Same as in New Mexico.

Indian Territory.—There are no collection laws in this territory; the United States Court for Western Arkansas has jurisdiction of the criminal laws.

Indiana.—The same as the District of Columbia, only that no woman can be arrested for debts; and the prisoner has the right to go with the officer to the nearest Justice of the Peace and make oath that he is not absconding or concealing or disposing of his property, as alleged; the making of such affidavit implicates him for perjury in the first degree, and in such case he could be brought back by extradition from any other State, in case that it could afterwards be substantially proved that he so committed perjury.

Iowa.—Same as Indiana.

Kansas.—Same as Arkansas.

Kentucky.—Where a debt is due, and proof of concealment, fraudulent disposition, or the removing of the property out of the State, a warrant of arrest can be issued against the body of the debtor.

Louisiana.—Any person a resident of the State, absconding or having left the State and again found within the State, without leaving sufficient property to satisfy the payment of his debts, may be arrested and held for examination and trial for fraud. This does not however apply to females or residents of other States or foreigners. They are supposed not to get credit; if they obtain credit by false pretences, they are liable for punishment under the penal laws.

Maine.—The same as California, except that the debt must be \$10 or over. Debtor has the right of discharge by taking the poor debtor's oath. Married women cannot be arrested for debt. Widows and spinsters can be.

Massachusetts.—Absconding from the State, where a judgment of the court amounting to \$20 or over, has been found, and the debtor is believed to be evading by concealment or otherwise the satisfaction of the same: Warrants of arrest can be procured, and the debtor arrested and held for examination, and if he does not satisfactorily clear the charges alleged in the complaint, he may be kept in custody until he either pays the debt or proves to the court his innocence.

Maryland.—Same as District of Columbia.

Michigan.—Persons who by their profession, business, employment, agency or fiduciary position whereof neglect, misconduct, misapplication or fraud has deprived or defrauded any person or persons in such capacity; all actions of replevin, trover, trespass, arising upon contract; removal of property out of jurisdiction of the court, where the cause of action is laid; concealment of property; attempting to or disposing of his property with the intention of preventing his creditors from obtaining their just rights; where credit has been obtained by fraud, pretence, misrepresentation of any kind; where by strategy and schemes has circumvented the execution of writs of the courts for judgments of lawful debts; in all the foregoing warrants of arrest can be procured. Married women are exempt from arrest in all civil cases.

Minnesota.—The same as Alabama.

Missouri.—The same as Alabama.

Nebraska.—There is no law that empowers arrest for civil debts. Cases coming under the criminal law are punishable by penalties of fines and imprisonment.

New Hampshire.—Same as Connecticut, except that the debt is limited to \$13.33. No female can be arrested for debt except under contract. The time is not limited to four days, as in Connecticut, for trial or examination, but a reasonable time is allowed.

New Jersey.—Same as Michigan.

New Mexico.—Debtor owing to any one person \$50 or over and attempting to abscond from the territory; or has absconded and is at any time found within the territory, temporary, can be arrested upon a warrant sworn out by the person or his authorized agent or attorney. Plaintiff must furnish sureties for protection against wrongful arrest.

New York.—To recover damages, a fine or penalty; injury to property or person; breach of promise; fraud, deceit, wrongful taking, detention, conversion, concealment, fraudulent disposition, misapplication, embezzlement, clandestine attempts or removal of goods, absconding from the State, warrants or writs of arrests can be procured. All persons such as bankers, brokers, attornyes, agents, engaged in fiduciary positions, or employed therein, are held to be guilty of grand larceny, under a special Code. *All persons in a Representative Capacity* as heir, legatee, executor, administrator, devisee, next of kin, assignee or trustee, cannot be arrested, but for his own personal acts or when connivance with the person or persons guilty of the wrong-doing is proved. *All minors* under 14 years of age are privileged persons in the opinion of the courts.

North Carolina.—See Illinois.

Ohio.—See Michigan.

Pennsylvania.—Causes for arrest are limited to fraudulent contracts, either oral or written, in payment of money; misappropriating trust moneys; concealment with intent to defraud; actions for slander, libel or personal injury. There is no law to deprive the citizen of his liberty in civil debts otherwise. The followers of Penn respect that text of the constitution of this great republic, viz:—" *No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the law.*"

Rhode Island.—In actions of trover, detention, trespass, absconding debtors, fraud, concealment and similar causes, civil arrest can be resorted to.

Tennessee.—No arrest or imprisonment for civil debts in any form.

Texas.—Same as Tennessee.

Utah Territory.—Same as Dakota.

Virginia.—For absconding debtors only.

West Virginia.—See Nebraska.

Vermont.—Arrest of defendant can be made in all actions in form *ex dilecto* (from the crime.) Not subject to arrest in actions in form *ex contracto* (out of contract), except upon the affidavit of the creditor, his agent or attorney, that "he has good reason to believe, and does believe that the debtor is about to abscond or remove from the State, and has money or other property secreted about his person or elsewhere to an amount exceeding \$20;" or has money in his hands in a fiduciary capacity, and refuses to pay it over. A person not a citizen of the State or of the United States may be arrested in any action for debt.

Wyoming Territory.—See Iowa.

Wisconsin.—See Illinois.

Washington Territory.—Same as New Mexico.

DOMINION OF CANADA.

Province of Ontario.—Imprisonment for debt throughout this Province is of every day occurrence. There is established a court in each district, which embraces a few townships, or parts thereof, and towns, called a Division Court; this court has a clerk and bailiff appointed by the Provincial Government, and the county judge (who is appointed by the Dominion Government for life or good behavior) holds court every month, or quarter, as the business requires; this court has jurisdiction over claims not exceeding \$200 of contract, and \$100 without contract. This court is called the "Poor Man's Court." Claims where judgments are issued invariably do not amount to \$5; the defendant debtor has the right to defend himself in this court without counsel, thereby enjoying the gracious liberty of his own court, to be snubbed and silenced by full-blooded luminary of a Judge. The cost of this "Poor Man's Court" will in 75 per cent. of the cases tried and executions issued amount to a third of the debt, and the remaining 25 per cent. to as much as the debt. If the bailiff returns "no goods," the victim

is served with a judgment summons to appear before the judge at the next court; failing to obey, he will be committed to jail, and by appearing usually is ordered to pay so much per week, or on neglect to obey, will be taken to jail. *Capias* can be obtained from the Superior Court judges to arrest any debtor absconding, where the debt amounts to \$100.

Province of Quebec.—The same as in Ontario, only that a *capias* can be obtained for \$20 or over. No *capais* can be procured for a debt contracted between the parties in another country.

New Brunswick.—Same as Ontario, only amount where a *capias* can issue is limited to \$20 instead of \$100, as the least sum; unmarried women can be arrested for debt in Supreme and County Court claims. In Ontario no woman can be arrested for debt.

Nova Scotia.—The same as New Brunswick.

Manitoba.—See Michigan (U. S. A.)

British Columbia.—See Ontario.

Northwest Territories.—See New Mexico (U. S. A.)

Prince Edward Island.—Same as Quebec.

BANK HOLIDAYS—UNITED STATES.

January 1st.—In Alabama, Arkansas, California, Colorado, Connecticut, Dakota, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Maryland, Michigan, Missouri, Nevada, New Jersey, New York, North Carolina, Tennessee, Texas, Utah, Vermont, West Virginia, Wisconsin and Wyoming.

January 8.—Anniversary of the Battle of New Orleans.—In Louisiana.

February 14.—Mardi-Gras.—In Louisiana.

February 22.—Washington's Birthday.—In Alabama, California, Colorado, Connecticut, Dakota, Georgia, Idaho, Illinois, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nevada, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Texas, Utah, Virginia, Wisconsin and Wyoming.

March 2.—Anniversary of Texan Independence.—In Texas.

March 4.—Firemens' Anniversary.—In New Orleans, Louisiana.

April 21.—Anniversary of the Battle of San Jacinto.—In Texas.

Good Friday.—In Louisiana, Maryland and Pennsylvania.

April 26.—Memorial Day.—In Georgia.

May 30.—Decoration Day.—In California, Colorado, Connecticut, Dakota, Iowa, Illinois, Kansas, Kentucky, Massachusetts, Michigan, Nevada, New Hampshire, New Jersey, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Utah, Vermont, Wisconsin and Wyoming.

June 1.—Labor Day.—In Oregon.

July 4.—Independence Day.—In all the States except Nebraska.

September 2.—Labor Day.—In Colorado, Massachusetts, New Jersey and New York.

November 5.—General Election Day.—In California, Dakota, Kansas, Maryland, Missouri, New Hampshire, New Jersey, New York, Ohio, Oregon, South Carolina and Wisconsin.

November 28.—Thanksgiving Day.—In all the States and Territories (in Nebraska there being no statutory holidays, it is not a legal holiday, but is observed).

Christmas.—In all the States and Territories, in a like manner to Thanksgiving Day.

State Fast Days.—When appointed by the proclamation of the governor in each State and Territory.

Arbor Day.—In Idaho and Kansas, the day being set by the governor; and also in Rhode Island, but it does not affect the payment of notes in R. I.

Saturdays after 12 o'clock.—In New York.

DOMINION OF CANADA.

January 1.—New Year's Day. In all the provinces.

Good Friday.—In all the Provinces.

May 24.—The Queen's Birthday. In all the Provinces.

June 24.—St. John's Day. In Quebec.

July 1.—Dominion Day. In all the Provinces.

Thanksgiving Day.—As appointed by the Governor in each Province.

Christmas Day.—In all the Provinces.

NOTES.—In the Province of Ontario and other provinces it will be noticed in the laws of their banking, they keep open on some of the holidays, for the receiving of payment of bills but transact no other business. Saturday afternoon in the city of Toronto is observed from about May first to November first, by nearly all the wholesale houses, manufacturing establishments, banks, and larger retail merchants, as a half holiday. This is not a law, but a business custom.

The Canadian Banks are all chartered corporations, owned and operated through officers by stockholders. They require to deposit a certain amount with the Dominion Treasury in acceptable government bonds or other securities approved by the Finance Minister at Ottawa, whereupon they are authorized to issue their own notes and receive deposits to a certain proportionate amount under the "Dominion Banking Act." The Government issue notes that are called "Legal Tender" and all the specie. All the "one's, two's and four's" are Government notes; the rest of the legal tenders are in larger denominations. Many persons in the United States mistake the notes of the Dominion Bank for the Dominion of Canada notes. The former is a chartered corporation the same as the Bank of Montreal. These institutions of Canada are in many respects very well managed institutions, although not regarded as the best banking system for a country; such institutions as the Bank of Montreal, Imperial Bank, Bank of Commerce, Dominion Bank and Molson's, are unquestionably as well managed as any corporations of the kind in any part of the business world.

CHAPTER II.

PART I. Commercial Travelers' Licenses ; where required in the United States and Provinces of Canada. **PART II.** The duties upon all ordinary and staple merchandise according to the U. S. Tariff or to be collected upon goods coming into the country of Foreign manufacture or production, and the same per Canadian Tariff of Customs upon their entering Canada. **PART III.** Fishery Treaties and the actions of the United States Government and Great Britain regarding the same, since the treaty of Paris, 1775 to 1889. **PART IV.** Neutrality Laws of Nations.

PART I.—CHAPTER II.

Commercial Travelers' Licenses.

Alabama.—There is no State law other than municipal bodies are empowered to regulate by by-laws of their own ; some towns in the State charge as high as \$100 per annum.

Arizona.—No license required.

Arkansas.—No license required.

Connecticut.—No license required.

Colorado.—No license required.

California.—Cities and towns are empowered by statute to pass their own by-laws fixing the same, if they choose. San Francisco taxes as follows : \$100 per quarter year, if business aggregates \$90,000 ; \$60, if \$50,000 and up to \$90,000 ; \$40, if over \$20,000 and up to \$50,000 ; all under \$20,000, \$25.

Dakota.—No license required.

Delaware.—\$25 per annum. There is no license issued for a part of a year.

District of Columbia.—All non-residents must pay \$200 yearly. *Hawkers that sell haberdashery* within the District are required to pay an annual license fee of \$100.

Idaho, Illinois, Indiana, Iowa, Kentucky, and Kansas collect no license fee.

Louisiana.—Charges a State tax of \$25 per month, and the parishes and cities can at their option collect an additional tax; New Orleans collects \$50 per annum.

Maine, Maryland, and Massachusetts require no license.

Michigan has a State license of \$25 per annum, but it is obsolete.

New Jersey, New York, New Hampshire, and Nebraska charge no tax of any kind upon salesmen.

North Carolina.—Charges a State tax of \$100 per annum and municipal licenses are left optional.

Ohio, Pennsylvania, and Rhode Island require no license.

South Carolina.—Cities and incorporated towns and villages can by by-laws enforce a tax. Some towns fix it at \$10 per annum.

Tennessee.—A State tax of \$10 per week or \$25 per month is collected.

Texas.—Any wholesale firm or person or company paying \$200 can have as many travelers as they choose within the State for the license year.

Utah, Vermont, Virginia, West Virginia, Wyoming Territory, Washington Territory, have no license law either State or otherwise.

DOMINION OF CANADA.

Ontario has no license upon regular commercial men, but the "Hawkers and Pedlars Act" is in force throughout the Province. The taxes vary all the way from \$5 per annum up to \$200.

Quebec.—Three Rivers, St. Johns, Sorel, and Quebec collect a municipal tax under the Provincial Statute.

Nova Scotia has an optional municipal law like Ontario. The city of Halifax collects a fee of \$50 per annum.

New Brunswick, Prince Edward Island, Manitoba, British Columbia, and Northwest Territories have local municipal laws taxing travelers, hawkers, pedlars and circuses, enforced as the different cities, towns and townships deem expedient.

PART II.—CHAPTER II.

United States and Canadian Duties on Importations.

ANIMALS FOR BREEDING PURPOSES, U. S. duty,	free.
“ “ “ “ Canada duty,	“
ANIMALS FOR OTHER PURPOSES, U. S. duty,	20 per cent.
“ “ “ “ Canada duty,	20 “ “
ALE, PORTER OR BEER in bottles, U. S. duty,	35 cents per gal.
“ “ “ “ in bottles, Canada duty	18 “ “
ALE, PORTER AND BEER, (in casks), U. S. duty,	20 cents per gal.
“ “ “ “ (in casks), Canada duty,	10 “ “
BOOKS AND CHARTS, (new), U. S. duty,	25 per cent.
“ “ “ “ Canada duty,	15 “ “
BOOKS, (for colleges, public libraries and scientific instruction and benevolent purposes U. S. duty,	free.
BOOKS, (for colleges, public libraries and scientific instruction and benevolent purposes), Canada duty,	free
BOOTS AND SHOES, leather, U. S. duty,	35 per cent.
“ “ “ leather, Canada duty,	25 “ “
BRASS OR BRONZE, manufactures, U. S. duty,	45 per cent.
“ “ “ manufactures, Canada duty,	30 “ “
CARPETS, (hemp or woven), U. S. duty,	45 cents per sq. yd. and 35 per cent. advlm.
“ (hemp or woven), Canada duty,	25 per cent.
CARPETS, (tapestry printed), U. S. duty, 30c. per sq. yd. and 30 per cent. advlm.	
CARPETS, (tapestry printed), Canada duty,	25 per cent.
CARRIAGES AND WAGONS, U. S. duty,	35 per cent.
“ “ “ (under \$100 in value) Canada duty,	20 per cent.
“ “ “ (over \$100 in value) Canada duty,	35 per cent.
CHINAWARE, U. S. duty	55 per cent.
“ Canada duty,	35 “ “
CHINAWARE, (gilded and decorated), U. S. duty	60 per cent.
“ (gilded and decorated), Canada duty,	30 “ “

CHINA, CLAY, Canada duty,	free.
CIGARS, CHEROOTS AND CIGARETTES, U. S. duty, \$2.50 per lb. and 25 per cent. advlm.	
CIGARS, CHEROOTS AND CIGARETTES, Canada duty, \$2.00 per lb. and 25 per cent. advlm.	
CLOCKS, U. S. duty,	35 per cent.
“ Canada duty,	35 “ “
CLOTHING, (in part or all wool), U. S. duty, 40c. per lb. and 35 per cent. advlm.	
CLOTHING, (in part or all wool), Canada duty,	30 per cent.
CLOTHING, (linen), U. S. duty,	40 “ “
“ (linen), Canada duty,	35 “ “
CLOTHING, (silk or its component), U. S. duty,	50 “ “
“ (silk or its component), Canada duty,	35 “ “
CLOTHING, donations to charitable and benevolent institutions, U. S. duty,	free.
CLOTHING, donations to charitable and benevolent institutions, Canada duty,	free.
COAL, COKE, (bituminous), U. S. duty,	75c. per ton.
“ “ Canada duty,	60c. “
COAL, (anthracite), U. S. duty,	free.
“ “ Canada duty,	“
CORALS, (cut or manufactured), U. S. duty,	75c. per ton.
“ “ “ Canada duty,	free.
CUTLERY, (table, etc.) U. S. duty,	35 per cent.
“ “ Canada duty,	25 “ “
“ (plated and costing under \$3.50 per dozen is charged in Canada 50c. per dozen, and	20 per cent. advlm.
CUTLERY (pen and jack knives), U. S. duty,	50 per cent.
“ “ “ Canada duty,	25 per cent.
DIAMONDS SET, U. S. duty,	25 “ “
“ “ (these are included in jewelry, or precious stones under the Canadian tariff and the duty is, (see jewelry.)	
DIAMONDS, (and precious stones unset), U. S. duty,	10 per cent.
“ “ “ “ Canada duty	free.
EFFECTS, (household furniture used by any person for one year), U. S. duty,	free.
EFFECTS, (household furniture used by any person for one year), Canada duty,	free.

ENGRAVINGS, U. S. duty,	25 per cent.
“ Canada duty,	20 “ “
FURNITURE, U. S. duty	35 “ “
“ (including burial caskets), Canada duty,	35 “ “
FURS, (manufactured), U. S. duty,	20 “ “
“ “ Canada duty,	25 “ “
GILT AND PLATED WARE, U. S. duty,	35 “ “
“ “ Canada duty,	30 “ “
GLASSWARE, U. S. duty,	45 “ “
“ Canada duty,	30 “ “
GLOVES, (kid), U. S. duty,	50 “ “
“ Canada duty,	30 “ “
GOLD AND SILVERWARE, U. S. duty,	45 “ “
“ “ Canada duty,	20 “ “
GOLD BRONZE LEAF, Canada duty,	30 “ “

GRAIN AND PROVISIONS AND DAIRY PRODUCTS:—

U. S. duty on wheat, 20c. per bushel ; Canada duty, 15c.
U. S. duty on rye, 10c. per bush.; Canada, 10c. per bush.
U. S. duty on barley, 10c. per bush.; Canada, 15c. per bush.
U. S. duty on Indian corn, 10c. per bush.; Canada, 7½c. per b.
U. S. duty on oats, 10c. per bush.; Canada, 10c. per bush.
U. S. duty on rice, 2½c. per lb.; Canada 1c. per lb.
U. S. duty on hay, per ton, \$2 ; Canada duty, 20 per cent.
U. S. duty on butter, 4c. per lb.; Canada, 4c. per lb.
U. S. duty on cheese, 4c. per lb.; Canada, 3c. per lb.
U. S. duty on beef and pork, 1c. per lb.; Canada, (see Animals.)
U. S. duty on lard, 2c. per lb.; Canada, 2c. per lb.
U. S. duty on milk, 20c. per gal.; Canada, 30 per c. ad valorem.
U. S. duty on hops, 8c. per lb.; Canada, 6c. per lb.
U. S. duty on honey, 20c. per gal.; Canada, 3c. per lb.
U. S. duty on mackerel, 1c. per lb.; Canada, 1c. per lb.
U. S. duty on herrings, 1c. per lb.; Canada, 50c. per cwt.
U. S. duty on salmon, 1c. per lb.; Canada, 1c. per lb.
U. S. duty on fish in oil, 30 p. c.; Canada, 30 p. c. ad valorem.

GUNS, U. S. duty	25 per cent.
“ Canada duty	20 “
HATS, (after various patterns and compositions) U. S. duty	20 “

HATS, (after various patterns and compositions) Canada	
duty	not defined.
HATS, (trimmed with feathers, silk ribbons, etc.), U. S.	
duty	50 per cent.
" (trimmed with feathers, silk ribbons, etc.), Canada	
duty	25 "
IRON PIG AND SCRAP, U. S. duty	
	\$6.72 per ton
" " Canada duty	
	4.00 "
IRON AND STEEL MANUFACTURES OR RAW, iron or steel blacksmiths' hammers and sledges, track tools, wedges and crow bars, 2½ cent per lb. U. S. duty; Canada duty, 1 cent per lb. and 25 per cent. ad valorem.	
IRON or steel rivets, bolts, with or without threads or nuts, or bolt-blanks, and finished hinges or hinge-blanks, 2½ cts. per lb.; Canada duty, 1½ cts. per lb. and 30 per cent. ad valorem.	
IRON OR STEEL CAR AXLES, parts thereof, axle-bars, axle-blanks, or forgings for axles, without reference to the stage of manufacture; 2½ cts. per lb. U. S. duty; Canada \$30 per ton and 30 per cent. ad valorem.	
HORSE SHOE NAILS, galvanized or not, U. S. duty, 4 cts. per lb.; Canada duty, 1½ cts. per lb. and 30 per cent. ad valorem.	
SCREWS COMMONLY CALLED WOOD SCREWS, two inches or over in length, 6 cts. per lb.; Canada duty, 6 cts. per lb.; one inch or over in length but not over two inches, 8 cts. per lb., U. S. duty; Canada duty on the same, 8 cts. per lb.; over one-half inch and not over one inch, 10 cts. per lb., U. S. duty; Canada duty for every size under one inch, 11 cts. per lb.; less than one-half inch, U. S. duty, 12 cts. per lb.	
IRON OR STEEL RAILWAY BARS, flat and punched, one cent per lb. U. S. duty; Canada duty \$6 per ton.	
CUT TACKS, brads or sprigs, not exceeding 16 ounces to the 1000, U. S. duty 2½ cts. per 1000; Canada duty, 2 cts. per 1000; exceeding 16 ounces to the 1000, U. S. duty, 3 cts. per lb.; Canada duty, 2 cts. per lb.	
BOILER TUBES, or flues, or stays, of wrought iron or steel 3 cts. per lb.; Canada duty, 15 per cent. ad valorem. <i>Other wrought iron tubing</i> , U. S. duty, 2½ cts. per lb.; Canada duty, 15 per cent.	

IRON OR STEEL RAILS not weighing over 25 lbs. to the yard, U. S. duty, nine-tenths of one cent per lb.; Canada duty (steel only), free.

CUT NAILS and spikes, of iron or steel, one and one-quarter cts. per lb., U. S. duty; Canada duty 1 ct. per lb.

WROUGHT IRON OR STEEL NUTS, washers, spikes, etc., 2 cts. per lb., U. S. duty; Canada duty, 1 ct. per lb., and 25 per cent. ad valorem.

LOCOMOTIVES, STEAM ENGINES, MILL-IRONS, mill-cranks, anvils, wrought irons for ships, forgings of iron or steel for vessels, or parts thereof, weighing each 25 lbs. or more, U. S. duty 2 cts. per lb.; Canada duty on the same, 30 per cent., and in addition on locomotives and the tender weighing 30 tons or over, \$2,000.

STEEL INGOTS, cogged ingots, blooms, and slabs, by whatsoever process made; billets and bar bands, tapered and beveled bars; bands hoops, strips, and sheet of all gauges and widths; all of the above not otherwise provided for, valued at 4 cts. per lb. or less, 45 per cent. ad valorem; all valued above 4 cts. per lb. and not over 7 cts. duty 2 cts. per lb.; valued at 7 cts. and not above 10 cts. per lb., $2\frac{3}{4}$ cts. per lb. duty; valued above 10 cts. per lb., duty, $3\frac{1}{4}$ cts. per lb.; Canada duty on the articles enumerated herein, are as follows:—All of above classes of steel not elsewhere provided for valued at less than 4 cts. per lb., except ingots, cogged ingots, blooms, and slabs upon which a duty shall be not less than \$8 per ton, 30 per cent. and not less on the whole than \$12 per ton.

MALLEABLE IRON CASTINGS, not specially enumerated or provided for in this act, 2c. per lb. U. S. duty; Canada duty on the same, \$.25 per ton, but not less than 30 per cent. ad val.

BOILER OR PLATE IRON, sheared or unsheared skelp-iron, sheared or rolled in grooves, U. S. duty $1\frac{1}{4}$ c. per lb.; Canada duty on the same, (or sheet iron, common or black, not thinner than No. 20 gauge) \$13 per ton.

BRIDGE IRON AND BUILDING joists, beams, girders, angles, channels, T. T. columns and posts, or parts or sections of columns and posts, deck and bulb beams and building forms, together with all other structures and shape parts of iron or steel, $1\frac{1}{4}$ c. per lb., U.

S. duty ; Canada duty (not weighing less than 25 lbs. per lineal yard), 12½ per cent.; weighing less than 25 lbs. per lineal yard, ½c. per lb. and 10 per cent. advm.

FILES, file blanks, rasps, and floats of cuts and kinds, 4 inches in length and under, 35c. per doz.; over 4 and under 9 inches, 75c. per doz.; 9 inches in length and under 14, \$1.50 per doz.; over 14 inches, \$2.50. Canada duty on files of every size, 30 per cent.

MIXED IRON OR STEEL MANUFACTURES not hereinbefore enumerated, as a general average, duty is about 45 per cent. adval., U. S., when composed wholly or part of iron, steel, copper, lead, nickel, pewter, tin, zinc, gold, silver, platinum or any other metal. Canada duty upon the same, 30 per cent. adval. (It will be observed that articles made of iron and steel are so numerous that it is not practical to give them in detail in a work of this kind; we only endeavor to give a few of the principal classes.)

JEWELRY (gold and silver or imitation of), U. S. duty—25 per cent.

“ “ “ “ “ “ Canada duty--20 “

“(jet or imitation) U. S. duty--25”

“	“	“	“	Canada duty..20	“
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LACES (silks, silk and cotton), U. S. duty.....25 “

“ “ “ “ “ Canada duty.....30 “

“ in thread, U. S. duty.....35 “

“ “ Canada duty.....free.

LEATHER MANUFACTURES, U. S. duty.....35 “

“(and including Japanned patent boots and shoes, and all other skins tanned in similar kind of manufactures, Canada duty.....25 per cent.

Bend, or belting leather, and Spanish or other sole, U. S. duty, 15 per cent. advalm.; do. Canada duty.....20 per cent.

Morocco finish or French calf, U. S. duty.....20

“ “ “ “ “ Canada duty-----10 “

LINEN (table-cloth and toweling), U. S. duty-----30 “

“	“	“	“	Canada duty.....	20	“
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MACHINERY (brass or iron), U. S. duty.....45 “

“	“	“	“	Canada duty	30	“
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MUSICAL INSTRUMENTS, U. S. duty.....25 “

“ (when not specially named) Can., 25 “

Pianos, upright, a special duty by Canada of \$30 each and 20 per cent.; square pianos, \$25 each and 20 per cent.; on organs with two sets of reeds, \$10 each and 15 per cent., four sets of reeds, \$15 each and 15 per cent., six sets of reeds, \$20 each and 15 per cent., all over six sets of reeds, \$30 and 15 per cent. duty.

OILS (animal), U. S. duty.....	25 per cent.
“ “ Canada duty.....	20 “
“ Castor, U. S. duty.....	80 “
“ “ “ Canada duty.....	20 “
“ Lubricating, U. S. duty.....	25 “
“ “ “ Canada duty, 30c. per gal. and 25 per cent. adv.	
“ Kerosene, (American naphtha and ligamite), U. S. duty, 25 per cent.; do., Canada duty, 7½c. per gal. and 10 per cent. advl.	

OPIMUM (all containing 9 per cent. of morphia, the United States duty is \$1.00 per lb. Opium containing less than 9 per cent. is prohibited from entry into the United States. Opium used and prepared for smoking, and all other preparations of it not specially enumerated or provided for in the tariff, \$10 per lb. Opium prepared for smoking, and other preparations of it deposited in bonded warehouses, shall not be removed therefrom for exportation without payments of duty, and such duties shall not be refunded by the United States.

Canada duty on all opiums used for drugs,.....	\$1.00 per lb.
“ “ used for smoking,.....	5.00 “ “

PAINTINGS, (foreign) U. S. duty.....	30 per cent.
“ Canada duty.....	20 “ “
Works of an American artist while abroad,.....	free.
“ “ Canadian “ “ “ “.....	“

PICTURE FRAMES, U. S. duty.....	35 per cent.
“ “ Canadian duty.....	35 “ “

PHOTOGRAPHS, U. S. duty.....	25 “ “
“ (finished pictures), Canada duty.....	20 “ “
Upon all dry plate,..... “ “.....	15 cts. per lb.
“ “ “ “ advlm. duty additional.....	20 per cent.

PRINTS AND ENGRAVINGS, U. S. duty.....	25 “ “
“ “ “ Canada duty.....	30 “ “
Printing presses, Canada duty.....	10 “ “

Printed music sheets, Canada duty	10 cts. per lb.
Advertised bills, tickets etc., Canada duty	15 " " "
An advlm duty on the latter two, (Canada) of	25 per cent.
PIPES AND CIGAR HOLDERS, U. S. duty	70 " "
" " " " Canada duty	35 " "
RUBBER, (in manufactured state), U. S. duty	25 " "
" " " " Canada duty	25 " "
In unmanufactured state, U. S. duty	25 " "
" " " " Canada duty	free.
Rubber braces, webbing, etc. U. S. duty	35 per cent.
" " " " Canada duty	25 " "
Rubber worsted, with silk, cotton and manufactured into goods, U. S. duty	50 " "
SADDLES AND HARNESS, U. S. duty	35 " "
" " " " Canada duty	35 " "
SHAWLS, (silk) U. S. duty	50 " "
" " " " Canada duty	30 " "
Camels' hair or wool, U. S. duty	35 cts. per lb.
and advlm.	40 per cent.
Camels' hair or wool, Canada duty	35 " "
SILK DRESS BY THE PIECE, U. S. duty	50 " "
" " " " " " Canada duty	30 " "
SEWING MACHINES, U. S. duty	45 " "
" " " " " " Canada duty \$3 each and an advlm of 20	" "
STATUARY, (marble manufactures), U. S. duty	50 " "
" " " " " " Canada duty	35 " "
Marble mantels, etc., Canada duty	15 " "
Marble in blocks sawn on more than one side, Canada duty	25 per cent.
Marble ordinary from the quarry, Canada	15 " "
SPIRITS, Brandy, Whiskey, Gin, and Rum, U. S. duty ..	\$2 per gal.
Brandy, Canada duty	2 " "
Whiskey, Gin, Rum, Canada duty	1.75 " "
SUGAR, (all under "No. 13" Dutch Standard $\frac{1}{100}$ ths c. per lb. U. S. duty. All above "13" and not over 16, $2\frac{7}{100}$ th c. per lb. Over 16 and up to 20, 1c. per lb. Canada duty; Sugar for refining purposes, under "14" 1 c. per lb.; when not for refining purposes, the same grade 1 c.	

per lb. and 30 per cent. advlm; all over the standard of "14"
 1½ c. per lb. and 35 per cent. adv'lm.

SYRUP AND MOLASSES, under 56 degrees polariscope measure, U. S.
 duty 4c. per gal.

Over 56 degree polariscope, U. S. duty 8 " "

Canadian duty on same 20 per cent.

SALT, put up in packages for table use, U. S. duty 12c. per cwt.

Canada duty, put up in barrels, sacks, or packages for ordinary
 use, 15c. per cwt.

In Canada the bags and barrels are subject to duty same as
 empties, viz:—barrels 20c. each and bags made of paper or
 cotton, 25 per cent.

Salt by cargoes in bulk, Canada duty 10c. per cwt.

Salt put up in small packages for fine use, 10c. " "

UMBRELLAS, silk, Alpaca U. S. duty 50 per cent.

" Canada duty 30 " "

Parasol components thereof or umbrellas for use of manufac-
 turer, Canada duty, 20 per cent.

UNTANNED SKINS OR FURS, U. S. duty free

" " " " " Canada duty "

WINES: All wines that do not sparkle U. S. duty 50 per cent.

Champagnes in bottles of one-half pint, \$1.75 per gal.

Over one-half pint and up to 1 pt. in bottles, .. 3.50 " doz.

All over a pint \$2.25 per gal.

Claret or Burgundy in casks, \$1.60 per gal. per case.

Canadian duty: Wines of all brands that do not sparkle and
 containing less than 26 per cent. of spirits, in wood or case
 glass, not exceeding 12 pints to a gal. 25c. per gal. duty, along
 with 30 per cent. advlm; Champagnes \$3 der doz. and 30 per
 cent. advlm. when not containing more than a quart; Wines
 sparkling in bottles containing more than a pint, and over
 half pint, \$1.50 per doz. and 30 per cent.; wines put up in
 more than a quart bottle shall pay in addition to \$3.00 per
 doz. at the rate of \$1.50 per gal. in excess of the quart measure.
 Any liquors imported under the name of wines and exceeding 40
 per cent. according to "Sykes Hydrometer" shall be classed as
 spirits, and be chargeable as the same: viz:—\$1.90 per gal.

Wool (merino, Mestizo, Metz or Metis wools of fine qualities, and

when the value of the same at last port of entry, and where shipped to United States), duty 10c. per lb., when the price paid or market price of the same at the port from where shipped did not exceed 30c. per lb. Where price exceeds 30c. per lb., U. S. duty 12c. per lb.

Canada duty: Unmanufactured hair of the Alpaca goat and other like animals, along with the Leicester, Cotswold, Lincolnshire, South Down, known as lustre wools free.

A duty is charged by the U. S. as follows upon Donskoi Cordova, Valparaiso, when shipped from the last port to U. S.: the price does not exceed 12c. per lb., 2½c. per lb.; when it exceeds 12c. per lb., then 5c. per lb.

TEA, U. S. duty free.

“ Canada duty (except when shipped from the U. S.) free.

“ “ “ (when shipped from the U. S.) 10 per cent.

PATENT MEDICINES: compounds not patented are chargeable for entry into Canada as follows: Liquids, 50 per cent.; compounds in solid or powders, 25 per cent.

ARTICLES FREE OF DUTY INTO CANADA NOT IN THE ABOVE.

Aconite, oxalic acid, agaric, alkanet root, aloes, alum, aluminum, ambergris, ammonia, anatomical preparations, aniline dyes, aniline oil, aniline salts, anchors, antimony, arsenic, pot and pearl ashes, ash soda, asphalum beans, vanilla and nux vomica, berries for dyeing, blue vitriol, bone dust, boracic, borax, bristles, brimstone, bromine, broom corn, burrstones, Burgundy pitch, casts and moulds, chalk and cliff stones, chamomile flowers, chinchona bark, cherry-heat welding compound, citrons and rinds of in brine for candying, cotton yarns finer than No. 40, copper in sheets, compasses, cream tartar, dragon's blood, fire clay, emery, flint stones, fishing tackle for the use of fisheries where licensed, fossils, fowl for breeding purposes, foot grease, gentian root, guano, gut and worm gut, bent show case glass, fancy and flavored grasses, hair, hemp rags, hickory lumber, ice, iodine, iron liquor, jalap, jute buds, indigo paste, jute yarn, jute unmanufactured, scrap iron, leeches, lemons, litmus, liquorice root, lava, locomotive tires of Bessemer steel in rough, steel used in manufacture of skates, moss sea-weed and all other vegetable substances used for mattress making, munjeet, musk, oil cake,

cocoanut, pitch, phosphorus, pipe clay, shellac, rennet, precipitate of copper, potash German mineral, soda ash, saffron, sulphate of iron, tin in bars, wire iron of steel or galvanized—16 gauge or smaller, woolen rags, zinc, wood.

UNITED STATES REVENUE TAX ON TOBACCO.

On and after May 1st, 1883, dealers in leaf tobacco shall annually pay \$12; dealers in manufactured tobacco, \$2.40; all manufacturers of tobacco shall pay \$6; manufacturers of cigars shall pay \$6; pedlars or salesmen shall pay \$30; pedlars of the second class shall pay \$15, of the third class \$7.20, of the fourth class \$3.60; retail dealers in leaf tobacco shall pay \$250 and 30c. for each dollar on the amount of their monthly sales, in excess of the rates of \$500 per annum. Farmers and producers of tobacco may sell at the place of production tobacco of their own growth and raising at retail directly to consumers, to amount of \$100 per annum.

PART III.—CHAPTER II.

Treaties between the United States and the United Kingdom of Great Britain respecting the Fisheries of Canada.

Before the war of Independence, in 1775, British American colonists enjoyed equal privileges in the North American inshore fisheries ; but, on the conclusion of peace, it became a question how far such privileges should be continued to those who had voluntarily severed their connection with the British Crown. The matter was fully discussed in the negotiations which preceded the treaty of Paris, and an agreement was arrived at by which United States citizens were allowed the liberty to fish and to dry and cure fish on certain defined portions of the coasts of British America.

THE TREATY OF PARIS.

The third article of the treaty of Paris, of 3d September, 1783, reads as follows :—

“ It is agreed that the people of the United States shall continue to enjoy unmolested the right to take fish of every kind on the Grand Bank, and all the other banks of Newfoundland, also in the Gulf of St. Lawrence, and all other places in the sea, where the inhabitants of both countries used, at any time heretofore, to fish ; and also that the inhabitants of the United States shall have liberty to take fish of every kind on such part of the coast of Newfoundland as British fishermen shall use, (but not to dry or cure the same on the island), and also on the coasts, bays and creeks of all other of His Britannic Majesty's dominions in America ; and that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbors and creeks of Nova Scotia, Magdalen Islands and Labrador, so long as the same shall remain unsettled ; but so soon as the same, or either of them, shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlement without a previous agreement for that purpose with the inhabitants, proprietors or possessors of the ground.”

The fisheries continued to be regulated by this treaty until the war of 1812, by which the liberties granted United States citizens under the above treaty (of 1783) were terminated.

TREATY OF GHENT.

The treaty of Ghent, signed in 1814, contained no reference to the fisheries question, although in the negotiations which led up to that event, the subject was discussed by the plenipotentiaries of both powers. On the part of the British Government it was stated "they did not intend to grant to the United States gratuitously the privileges formerly granted by treaty to them of fishing within the limits of the British sovereignty, and of using the shores of the British territories for purposes connected with the British fisheries" while the American plenipotentiaries declared that they were "not authorized to bring into discussion any of the rights or liberties which the United States have heretofore enjoyed in relation thereto; from their nature, and from the peculiar character of the treaty of 1783, by which they were recognized, no further stipulation has been deemed necessary by the Government of the United States to entitle them to the full enjoyment of them all."

Immediately after the rising of this treaty, the British government issued to the colonial fisheries the following:—

Instructions from the British Government to the Governor of Newfoundland, relative to the privileges enjoyed by citizens of the United States to fish within British jurisdiction:

Downing Street, 17th June, 1815.

SIR:—As the treaty of peace lately concluded with the United States contains no provisions with respect to the fisheries, which the subjects of the United States enjoyed under the III Article of peace of 1783, His Majesty's Government consider it not unnecessary that you should be informed as the extent to which those privileges are affected by the omission of any stipulation in the present treaty, and of the line of conduct, which it is in consequence advisable for you to adopt.

You cannot but be aware that the III Article of the treaty of peace of 1783, contains two distinct stipulations, the one recognizing the rights which the United States had to take fish upon the high seas, and the other granting to the United States the privileges of fishing within the British jurisdiction, and of using under certain conditions the shores and territories of His Majesty's for purposes connected with the fishery; of these, the former being considered permanent, cannot be altered or affected by any change

of the relative situation of the two countries, but the other being a privilege derived from the treaty of 1783 alone, was, as to its duration, necessarily limited to the duration of the treaty itself. On the declaration of war by the American government and the consequent abrogation of the then existing treaties, the United States forfeited with respect to the fisheries, those privileges which are purely conventional, and (as they have not been renewed by stipulation in the present treaty) the citizens of the United States can have no pretense to any right to fish within the British jurisdiction, or to use the British territory for purposes connected with the fishery.

Such being the view taken of the question of the fisheries as far as relates to the United States, I am commanded by His Royal Highness, the Prince Regent, to instruct you to abstain most carefully from any interference with the fishery in which the citizens of the United States may be engaged, either on the Grand Banks of Newfoundland, in the Gulf of St. Lawrence, or other places in the sea. At the same time you will prevent them, except under the circumstances hereinafter mentioned, from using the British territory for purposes connected with the fishery, and will exclude their fishing vessels from the bays, harbors, rivers, creeks and inlets of all His Majesty's possessions. In case, however, it should have happened that the fishermen of the United States, through ignorance of the circumstances which affect this question, should, previous to your arrival, have already commenced a fishery similar to that carried on by them previous to the late war, and should have occupied the British harbors, and formed establishments on the British territory, which could not be suddenly abandoned without very considerable loss, His Royal Highness, which is compatible with His Majesty's rights, has commanded me to instruct you to abstain from molesting such fishermen, or impeding the progress of their fishing during the present year, unless they should, by attempts to carry on a contraband trade, render themselves unworthy of protection or indulgence; you will, however, not fail to communicate to them the tenor of the instruction which you have received, and the view which His Majesty's Government takes of the fishery question, and you will above all be careful to explain to them that they are not, in any future season, to expect a continuance of the same indulgence.

I have, etc.,

Vice-Admiral SIR RICHARD G. KEATS.

The enforcement of these orders led to numerous seizures of United States fishing vessels found within the limits of the colonial maritime jurisdiction, either fishing, remaining in harbors without necessity therefor, or using the coasts for purposes connected with their fisheries.

These stringent measures led to the reopening of negotiations by the President of the United States, (President Monroe) in 1818, for the purpose of settling in an amicable manner the disputed points which had arisen in connection with the fisheries. Commissioners were appointed by both parties and the Convention of 1818 was signed at London on the 20th of October of that year.

THE CONVENTION OF 1818.

ARTICLE I, of this convention reads as follows:—

“Whereas differences have arisen respecting the liberty claimed by the United States for the inhabitants thereof to take, dry and cure fish on certain coasts, bays, harbors and creeks of His Britannic Majesty’s dominions in America, it is agreed between the High Contracting Parties that the inhabitants of the said United States shall have, forever, in common with the subjects of His Britannic Majesty, the liberty to take fish of every kind on that part of the southern coast of Newfoundland, Cape Ray, to the Rameau Islands, on the western and northern coasts of Newfoundland from the said Cape Ray to the Quirpon Islands on the shores of the Magdalen Islands, and also on the coasts, bays, harbours and creeks from Mount Joly, on the southern coast of Labrador, to and through the straits of Belle Isle, and thence northwardly indefinitely along the coast, without prejudice, however, to any of the exclusive rights of the Hudson Bay Company; and that the American fishermen shall also have liberty, forever, to dry and cure fish in any part of the unsettled bays, harbours and creeks of the southern part of the coast of Newfoundland, hereabove described, and of the coast of Labrador; but so soon as the same or any portion thereof is settled, it shall not be lawful for the said fishermen to dry or cure fish at such portions so settled, without previous agreement for such purpose with the inhabitants, proprietors or possessors of the ground. And the United States hereby renounce forever any liberty heretofore enjoyed or claimed by the inhabitants thereof, to take, dry or cure fish on or within *three miles* (marine) of any coasts, bays, creeks, or

harbours of His Britannic Majesty's dominions in America not included within the above-mentioned limits; provided, however, that the American fishermen shall be permitted to enter such bays or harbours for the purpose of shelter, and of repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever. But they shall be under such restrictions as shall be necessary to prevent their taking, drying or curing fish therein, or in any other manner whatever abusing the privileges reserved to them."

By the terms of this Convention, United States fishermen have secured to them forever the liberty :

1. To take fish on the southern coast of Newfoundland from Cape Ray to the Rameau Islands; On the western and northern coast of Newfoundland, from Cape Ray to the Quirpon Islands; on the shores of the Magdalen Islands, and on the southern coast of Labrador from Mount Joly to and through the straits of Belle Isle, and thence northwardly indefinitely along the coast.

2. To dry and cure fish in any of the unsettled bays, harbors, and creeks of the southern coast of Newfoundland and the coast of Labrador, as described in the treaty.

3. To be admitted to the bays and harbors of His Britannic Majesty's dominions in America for purposes of shelter and repairing damages, purchasing wood, obtaining water, and for *no other purpose whatever*.

In 1819 the act (59, Geo. III., Cap. 38,) was passed by the English Government for the due execution of the provisions of the convention. Acts for similar purposes and modelled after the act of the home government, were passed by the colonial legislature, as follows :

1836.—An Act relating to the fisheries and for the prevention of illicit trade in the province of Nova Scotia, and the coasts and harbors thereof.

[NOTE.—For the information of the uninitiated of Canadian governmental history, what are now called the provinces of Nova Scotia, New Brunswick, Quebec and Ontario were under separate government until confederation of the provinces in 1866. Their acts of Parliament were the same as the acts of Parliament now enacted in the Dominion Parliament at the present time. Consequently these acts that I am noticing were the same as federal acts of Parliament,

because the governor-general, the head of the governments, was appointed by the home government, in a like manner as they appoint governor-generals for the whole Dominion at the present time. Therefore, the legislation passed by the provincial legislatures now, can be vetoed by the Dominion Parliament, being subordinate to it, while the Dominion is subordinate to the home government.—The Author.]

1843.—An Act relating to the fisheries, and for the prevention of illicit trade in Prince Edward Island and the coasts and harbors thereof.

1853.—An Act relating to the coast fisheries, and for the prevention of illicit trade.—New Brunswick 16, Vic., Chap. 69.

1862.—Of the coast and deep-sea fisheries.—Nova Scotia, 25 Vic., Chap. 94.

1866.—An Act to amend the same, 29 Vic., Chap. 35.

1868.—An Act respecting fishing by foreign vessels, 31 Vic., Chap. 61.

1870.—An Act to amend the same, 33 Vic., Chap. 15.

1871.—An Act further to amend, 34 Vic., Chap. 23.

1886.—An Act further to amend the same, 49 Vic., Chap. 114. All of these from 1866 were passed by the Dominion Parliament and under the whole of these the British and colonial governments enforced the treaty of 1818, and protected the inshore fisheries of the British-American colonies.

From 1818 to 1851, fifty-one United States fishing vessels were seized, of which twenty-five were condemned and twenty-six released, either by the Admiral commanding or by order of the courts of Vice-Admiralty.

The offences for which seizures were made and penalties imposed during this period were :

1. Fishing within the limits set forth in the convention of 1818.
2. Preparing to fish.
3. Purchasing and bartering bait and supplies.
4. Being in harbors and bays when not necessary for shelter and repairs, or for obtaining wood and water.

The vigorous enforcement of the provisions of the convention, led to negotiations between the United States and Great Britain, which ultimately resulted in the Reciprocity Treaty of 5th of June,

1854. The clauses of this treaty, relating more especially to the fisheries, are as follows :

THE TREATY OF RECIPROCITY.

Article I.

“It is agreed by the high contracting parties, that in addition to the liberty secured to the United States fishermen by the above mentioned Convention of 20th October, 1818, of taking, curing and drying fish on certain coasts of the United Kingdom’s British North American possessions therein defined, the inhabitants of the United States shall have, in common with the subjects of Her Britannic Majesty, the liberty to take fish of every kind, except shell-fish, on the sea coasts and shores, and in the bays, harbors and creeks of Canada, New Brunswick, Nova Scotia, Prince Edward Island, and of the several islands thereunto adjacent, without being restricted to any distance from shore, with permission to land upon the coasts and shores of those colonies and the islands thereof, and also upon the Magdalen Islands, for the purpose of drying their nets and curing their fish; provided, that in so doing they do not interfere with the rights of private property, or with British fishermen in the peaceable use of any part of the said coast in their occupancy for the same purpose.

“It is understood that the above mentioned liberty applies solely to the sea fishery, and that the salmon and shad fisheries and all fisheries in rivers and the mouths of rivers, are hereby reserved exclusively for British fishermen.

“And it is further agreed that in order to prevent or settle any disputes as to the places to which the reservation of exclusive right to British fishermen contained in this article, and that of fishermen of the United States contained in the next succeeding article, apply, each of the High Contracting Parties, on the application of either to the other, shall within six months thereafter, appoint a Commissioner. The said Commissioners, before proceeding to any business, shall make and subscribe a solemn declaration that they will impartially and carefully examine and decide, to the best of their judgment, and according to justice and equity, without fear, favor or affection to their own country, upon all such places as are intended to be reserved and excluded from the common liberty of

fishing under this and the next succeeding article; and such declarations shall be entered on the record of their proceedings. The Commissioners shall name some third person to act as an arbitrator or umpire in any case or cases on which they may themselves differ in opinion.

“If they should not be able to agree upon the name of such third person, they shall each name a person, and it shall be determined by lot which of the two persons so named shall be the arbitrator or umpire in cases of differences, or disagreement between the Commissioners. The person so to be chosen to be arbitrator or umpire, shall before proceeding to act as such in any case, make and subscribe a solemn declaration in form similar to that which shall already have been made and subscribed by the Commissioners, which shall be entered on the record of the proceedings.

“In the event of the death, absence or incapacity of either of the Commissioners, or of the arbitrator, or umpire, or of their omitting, declining or ceasing to act as such Commissioner, or arbitrator, or umpire, another and different person shall be appointed, or named as aforesaid, to act as such Commissioner, or arbitrator or umpire, in the place and stead of the person so originally appointed, or named as aforesaid, and shall make and subscribe such declarations as aforesaid.

“Such Commissioners shall proceed to examine the coasts of the North American Provinces and of the United States embraced within the provisions of the first and second articles of this Treaty, and shall designate the places reserved by the said articles from the common right of fishing therein.

“The decision of the said Commissioners, and of the arbitrator or umpire shall be given in writing in each case, and shall be signed by them respectively. The High Contracting Parties hereby solemnly engage to consider the decisions of the Commissioners conjointly, or of the arbitrator or umpire, as the case may be, absolutely final and conclusive in each case decided upon by them or him respectively.”

Article II.

“It is agreed by the High Contracting Parties that British subjects shall have, in common with citizens of the United States, the liberty to take fish of every kind, except shell-fish, on the eastern

sea coasts and shores of the United States, north of thirty-sixth (36th) parallel of north latitude and on the shores of the several islands thereunto adjacent, and in the bays, harbors and creeks of the said sea coasts and shores of the United States, and of the said islands, without being restricted to any distance from the shore, with permission to land upon the said coasts of the United States, and of the islands aforesaid, for the purpose of drying their nets and curing their fish, provided in so doing they do not interfere with the rights of private property, or with the fishermen of the United States, in peaceable use of any part of said coasts in their occupancy for the same purpose.

"It is understood that the above mentioned liberty applies solely to the sea fishery, and that salmon and shad fisheries, and all fisheries in rivers and mouths of rivers are hereby reserved exclusively for fishermen of the United States without interference."

A Commission, composed of M. H. Perley, Esq., on behalf of the British Government, and John Hubbard, Esq., on behalf of the United States, was engaged from 1856 till 1860 in determining the places (74 in number) to which the exclusive right of fishing under the first and second articles of the Treaty above.

The Reciprocity Treaty continued in force from 1854 until 1866, when it terminated, after twelve months' notice therein provided had been given by the United States Government.

Efforts were made by Canada and Great Britain for its renewal, but failed, and as a consequence of such failure, the American privileges under it lapsed and the Convention of 1818 the Canadian government assume revived.

Upon the termination of the Reciprocity Treaty on the 17th of March 1866, Viscount Monck, Governor General of Canada "Province of Canada," issued the following proclamation:—

PROCLAMATION.

Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c.

To all whom these presents shall come, or whom the same may concern, GREETING:

Whereas, a certain Treaty was made between Her Majesty and the United States of America, on the 5th of June, 1854, providing for reciprocal trade; and whereas the United States of America

have, in accordance with the terms of said Treaty, given notice for the termination thereof; and whereas, in consequence of such notice the said Treaty will expire on the 17th day of March, 1866;

And whereas, under the said Treaty, many persons, citizens of the United States of America, have invested moneys and fitted out ships for the purpose of carrying on the (inshore trade) fisheries within the territory of Canada under the said Treaty;

And whereas, they may be unaware that their right to carry on such inshore fisheries will end on the said 17th of March:

We, therefore, in our great desire to prevent injury or loss to our loving subjects, or to the citizens of a State with which we are happily in amity, do in this, our Royal Proclamation, caution and warn all persons not subjects of our realm, that after the said 17th day of March next, no vessels owned and manned in the United States of America can pursue the inshore fisheries without rendering themselves liable to the confiscation of their vessels, and such other penalties, pecuniary and personal, as are by law imposed.

(Signed)

MONCK."

However, this proclamation was subsequently modified by the British Government and fishermen were permitted to carry on their fishing during the season of 1866; and for four years further by the Government of Canada adopting the expedient of granting licenses to American fishermen; this system proved abortive after the first and second years by the number of licenses falling off from 365 in 1866 to 25 in 1869.

Following this the British Government enforced a rigid adherence to what they assumed their rights; vigorous fleets of ships of war were dispatched from the home government in 1870, and continued until the next year, when negotiations between Great Britain and the United States resulted in the appointment of a Joint High Commission to whom were referred several matters in dispute between the two governments, among which was included the question of the North American fisheries.

The Commission held its first meeting at Washington on the 27th of February, 1871, and what is known as the "Washington Treaty" was signed on the 8th day of May of the same year.

THE WASHINGTON TREATY.

The Articles of this Treaty which relate to the fisheries are as follows:—

Article XVIII.

“It is agreed by the High Contracting Parties that in addition to the liberty secured to the United States fishermen by the Convention between Great Britain and the United States, signed at London on the 20th day of October, 1818, of taking, curing and drying fish on certain coasts of the British North American colonies therein defined, the inhabitants of the United States shall have, in common with the subjects of Her Britannic Majesty, the liberty, for the term of years mentioned in Article XXXIII of this Treaty, to take fish of every kind, except shell fish, on the sea coasts and shores, and in the bays, harbors and creeks, of the provinces of Quebec, Nova Scotia and New Brunswick, and the colony of Prince Edward Island, and of the several islands thereunto adjacent, without being restricted to any distance from the shore, with permission to land upon the same coasts and shores and islands, and also upon the Magdalen Islands, for the purpose of drying their nets and curing their fish; provided that, in so doing, they do not interfere with the rights of private property or with British fishermen, in the peaceable use of any part of said coasts in their occupancy for the same purpose.

“It is understood that the above mentioned liberty applies solely to the sea fishery, and that the salmon and shad fisheries in rivers and the mouths of rivers are hereby reserved exclusively for British fishermen.

Article XIX.

“It is agreed by the High Contracting Parties that British subjects shall have in common with citizens of the United States, the liberty, for the term of years mentioned in Article XXXIII of this Treaty, to take fish of every kind, except shell fish, on the eastern sea coasts and shores of the United States north of the thirty-ninth parallel of north latitude, and on the shores of the several islands thereunto adjacent, and in the bays, harbors and creeks of the said sea coasts and shores of the United States and of the said islands, without being restricted to any distance from the shore, with permission to land upon the said coasts of the United

States and of the islands aforesaid for the purpose of drying their nets and curing their fish ; provided that, in so doing, they do not interfere with the rights of private property, or with the fishermen of the United States, in the peaceable use of any part of the said coasts in their occupancy for the same purpose.

“It is understood that the above mentioned liberty applies solely to the sea fishery, and that salmon and shad fisheries and all other fisheries in rivers and mouths of rivers, are hereby reserved exclusively for fishermen of the United States.

Article XX.

“It is agreed that the places designated by the Commissioners appointed under the 1st article of the treaty between Great Britain and the United States, concluded at Washington on the 5th of June 1854, upon the coasts of Her Britannic Majesty's Dominions and the United States, as places reserved from the common right of fishing under that treaty, shall be regarded as in like manner reserved from the common right of fishing under the preceding articles. In case any question should arise between the governments of the United States and of Her Britannic Majesty as to the common right of fishing places not thus designated as reserved, it is agreed that a Commission shall be appointed to designate such places, and shall be constituted in the same manner, and have the same powers, duties and authority as the Commission appointed under the said 1st article of the treaty of the 5th of June, 1854.

Article XXI.

“It is agreed that, for the term of years mentioned in Article XXXIII of this treaty, fish oil, and fish of all kinds (except fish of the inland lakes and of the rivers falling into them, and except fish preserved in oil), being the produce of the fisheries of the United States, or of the Dominion of Canada, or of Prince Edward Island, shall be admitted into each country respectively free of duty.

Article XXII.

“Inasmuch as it is asserted by the government of Her Britannic Majesty that the privileges accorded to the citizens of the United States under Article XVIII, of this treaty, are of greater value than those accorded by Articles XIX and XXI, of this treaty, to the sub-

jects of Her Britannic Majesty, and this assertion is not admitted by the government of the United States, it is further agreed that Commissioners shall be appointed to determine, having regard to the privileges accorded by the United States to the subjects of Her Britannic Majesty, as stated in Articles XIX and XXI of this treaty, the amount if any compensation which, in their opinion, ought to be paid by the government of the United States to the government of Her Britannic Majesty,* in return for the privileges accorded to the citizens of the United States under Article XVIII of this treaty ; and that any sum of money which the said Commissioners may so award shall be paid by the United States Government in gross sum, within twelve months after such award shall have been given.

Article XXIII.

“The Commissioners referred to in the preceding article shall be appointed in the following manner, that is to say : One Commissioner shall be named by Her Britannic Majesty and the President of the United States, and a third by Her Britannic Majesty and the President of the United States conjointly ; and in case the third Commissioner shall not have been so named within a period of three months from the date when this article shall take effect, then the third Commissioner shall be named by the representative at London of His Majesty the Emperor of Austria and King of Hungary. In case of the death or absence, or incapacity of any Commissioner, or in the event of any Commissioner omitting or ceasing to act, the vacancy shall be filled in the manner hereinbefore provided for making the original appointment, the period of three months in case of such substitution being calculated from the date of the happening of the vacancy.

“The commissioners so named shall meet in the city of Halifax, in the Province of Nova Scotia, at the earliest convenient period after they have been respectively named, and shall, before proceeding to any business, make and subscribe a solemn declaration that

* This Commission was appointed by the united governments, and met in Halifax on the 15th day of June, 1877, for the purpose of determining the amount of compensation to be awarded for the extension of the fishery privileges herein mentioned, and after sitting over five months awarded the sum of \$5,500,000 to be paid to the government of England by that of the United States.

they will impartially and carefully examine and decide the matters referred to them to the best of their judgment, and according to justice and equity; and such declaration shall be entered on the record of their proceedings.

“Each of the high contracting parties shall also name one person to attend the Commission as its agent, to represent it generally in all matters connected with the Commission.

Article XXIV.

“The proceedings shall be conducted in such order as the commissioners appointed under Articles XXII and XXXIII of this treaty shall determine. They shall be bound to receive such oral or written testimony as either government may present. If either party shall offer oral testimony, the other party shall have the right of cross-examination, under such rules as the Commissioners shall prescribe.

“If in the case submitted to the Commissioners either party shall have specified or alluded to any report or document in its own exclusive possession without annexing a copy, such party shall be bound, if the other party thinks proper to apply for it, to furnish that party with a copy thereof; and either party may call upon the other, through the Commissioners, to produce the originals or certified copies as the Commissioners may require.

The case on either side shall be closed within a period of six months from the date of organization of the commission, and the commissioners shall be requested to give their award as soon as possible thereafter. The aforesaid period of six months may be extended for three months in case of vacancy occurring among the commissioners, under the circumstances contemplated in Article XXIII of this treaty.

Article XXV.

The commissioners shall keep an accurate record and correct minutes or notes of all their proceedings, with the dates thereof, and may appoint and employ a secretary and any other business officer or officers to assist them in the transaction of the business which may come before them.

Each of the high contracting parties shall pay its own commissioners and agents or counsel; all other expenses shall be defrayed by the two governments in equal moities.

Chapter XXXII.

It is further agreed that the provisions and stipulations of Articles XVIII to XXV of this treaty, inclusive, shall extend to the colony of New Foundland, so far as they are applicable. But if the Imperial Parliament, the Legislature of New Foundland or the Congress of the United States shall not embrace the colony of New Foundland in their laws enacted for carrying the foregoing articles into effect, then this article shall be of no effect; but the omission to make provision by law to give effect, by either of the legislative bodies aforesaid, shall not in any way impair any other articles of this treaty.

Article XXXIII.

The foregoing Articles XVII to XXV, inclusive, and Article XXX of this treaty, shall take effect as soon as the laws required to carry them into operation shall have been passed by the Imperial Parliament of Great Britain, by the Parliament of Canada, and by the Legislature of Prince Edward Island, on the one hand; and by the Congress of the United States on the other.

Such assent having been given, the said articles shall remain in force for the period of ten years from the date at which they may come into operation; and, further, until the expiration of two years after either of the high contracting parties shall have given notice to the other of its wish to terminate the same; each of the high contracting parties being at liberty to give such notice to the other at the end of the said period of ten years, or at any time afterwards."

The acts of the different Parliaments of Great Britain and the Congress of the United States, having been passed, a proclamation fixed the 1st of July, 1873, as the date on which they were to come into operation. New Foundland did not, however, adopt the treaty until a year later.

The high commissioners appointed, and referred to in explanatory note in Article XXII hereinbefore, as to their award, were: Sir Alexander Thomas Galt, of the city of Toronto in Canada, by Her Majesty the Queen of England; Hon. H. Kellogg, by the appointment of the President of the United States; and Mr. M. Delfosse, named by the Emperor of Austria-Hungary.

The reciprocal arrangements made under the treaty of Washington remained in force for a period of ten years, when on the 3rd of March, 1883, the following resolution was adopted by the Congress of the United States:

“Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled: That, in the judgment of Congress, the provisions of Articles numbered XVIII to XXV, inclusive, and of Article XXX of the treaty between the United States and Her Britannic Majesty, for an amicable settlement of all causes of differences between the two countries, concluded at Washington, on the 8th day of May, 1871, ought to be terminated at the earliest possible time, and be no longer in force; and to this end the President be, and he hereby is, directed to give notice to the government of Her Britannic Majesty that the provisions of each and every of the articles aforesaid, will terminate and be of no force on the expiration of two years next after the time of giving such notice.

“SEC. 2. That the President be, and he hereby is, directed to give such notice of such termination on the 1st day of July, 1883, or as soon thereafter as may be.

“SEC. 3. That on and after the expiration of two years' time required by said treaty, each and every of said articles shall be deemed and held expired and be of no use, force and effect, and that every department of the government of the United States shall execute the laws of the United States [in the premises] in the same manner and to the same effect as if said articles had never been in force; and the Act of Congress approved 1st March, 1873, entitled ‘An Act to carry into effect the provisions of the treaty between the United States and Great Britain, signed in the city of Washington, the 8th day of May, 1871, relating to the fisheries,’ so far as it relates to the articles of said treaty, so as to be terminated, shall be and stand repealed and be of no force on and after the time of the expiration of said two years.”

Approved 3rd March, 1883.

On July 2d, 1883, the United States Minister at London, accordingly notified Her Majesty's Government, that the Fishery Articles of the Treaty of Washington would terminate on the 1st day of July, 1885.

A temporary agreement, as the result of negotiations, was entered into between the United States and Great Britain, the purport of which is set forth in the following proclamation issued by the President of the United States :—

AGREEMENT between the United States and Great Britain respecting the Fisheries, concluded 22nd of June 1885.

NOTICE.

By direction of the President, the undersigned, Secretary of State, hereby makes known to all whom it may concern, that a temporary diplomatic agreement has been entered into between the Government of the United States and the Government of Her Majesty in relation to the fishing privileges which were granted by the fishery clauses of the treaty between the United States and Great Britain, of 8th of May, 1871, whereby the privilege of fishing, which would otherwise have terminated with the treaty clauses on the first of July proximo, may continue to be enjoyed by the citizens and subjects of the two countries engaged in fishing operations throughout the season of 1885.

This agreement proceeds from mutual good will of the two governments, and has been reached solely to avoid all misunderstandings and difficulties which might otherwise arise from abrupt termination of the fishing of 1885, in the midst of the season.

The immunity which is accorded by this agreement to the vessels belonging to the citizens of the United States engaged in fishing in the British American waters, will likewise be extended to British vessels and subjects engaged in fishing in the waters of the United States.

The Joint Resolution of Congress, of 3rd March, 1883, providing for the termination of the Fishery Articles of the Treaty of 8th March, 1871, having repealed in terms, the Act of 1st March, 1873, for the execution of the Fishery Articles, and that repeal being expressed and absolute from the date of the termination of said Fishery Articles under due notification given and proclaimed by the President of the United States, to wit, 1st July, 1885, the present temporary agreement in no way affects the question of the statutory enactment or exemption from Customs duties, as to which the abrogation of the Fishery articles remain complete.

As part of this agreement, the President will bring the whole

question of the fisheries before Congress at its next session in December, and recommend the appointment of a Joint Commission by the Government of the United States and Great Britain to consider the matter, in the interest of maintaining good neighborhood and friendly intercourse between the two countries, thus affording a prospect of negotiation for the development and extension of trade between the United States and British North America.

Copies of the memoranda and exchanged notes on which this temporary agreement rests are appended. Reference is also made to the President's Proclamation of 31st of January, 1885, terminating the Fishery Articles of the Treaty of Washington.

By direction of the President,

(Sd.) T. F. BAYARD,

Sec'y of State.

President Cleveland in his Message to Congress in December, 1885, in accordance with the promise in the above agreement, did recommend that Congress provide for the appointment of a Commission in which the Governments of the United States and Great Britain should join in a settlement of the question of the respective countries : Congress on a Resolution rejected the same by a vote of 35 to 10. Then it was brought up before Congress in December, 1886, and a Commission was agreed upon ; Commissioners met at Washington and agreed upon a joint Treaty that was accepted by the House of Representatives but rejected by the Senate during the session of 1887. At the present time matters stand in a status quo, of the Treaty of 1818.

PART IV—CHAP. II.

NEUTRALITY LAWS OF NATIONS.

NEUTRALITY, in international law, the indifferent and impartial posture maintained by one nation with regard to others which are at war. This character is usually impressed upon a nation only by a war between other states, yet what is called a permanent neutrality may also exist, as in the case of Switzerland and Belgium, which have engaged always to remain neutral when complications arise between other powers. The perfect inviolability of its territory is the clearest, if not the chief right of a neutral state. Admission to the neutral domain may be denied to all, but if granted, must be on a common equality. The entrance of war vessels and their prizes into neutral ports may be forbidden; but unless it is expressly prohibited, the liberty to enter is implied. The U. S. government concedes this favor to the public ships of hostile powers, without their prizes. Permission to raise forces within the neutral territory cannot consistently be given to one belligerent to the exclusion of others and the United States refuse the privileges to all alike upon this principle. Whether a neutral flag protects the ship and cargo it covers from the assertion of belligerent rights, has long been a vexed question in international law. The principle that the character of the vessel should determine that of the cargo was embodied in the treaties of Utrecht in 1713, and has been introduced into frequent conventions based upon these treaties, to which Great Britain has been a party; but, except when bound by a special compact, that power has steadily maintained the rule that an enemy's goods on board of a neutral ship are good prize of war.

In its general jurisprudence the United States has adopted the same rule as Great Britain, but in its treaties with other nations has generally inserted the more liberal principle that free ships make free goods. In 1856 Great Britain formally assented to the doctrine she had so long opposed, by joining in the declaration of Paris, which contained the provision that a neutral flag should cover an enemy's goods except contraband goods of war; and this action of the great powers has probably for all time fixed the maxim in the civilized countries. The rule that goods of neutral carriage, except contraband, are not liable to capture, though laden in an enemy's

ship, was also included in the declaration of Paris, and, although formally rejected by France, has been generally observed by other nations. While a neutral may carry on its commerce with the hostile powers under reasonable restrictions, its ships must not carry contraband, or break blockades, or in any way render direct assistance in the war. They must also be provided with proper papers to prove their nationality, and must submit to a reasonable exercise of the right of visitation.

Materials fitted by their nature for warlike uses will be deemed contraband as a matter of course; but the decision as to articles which are serviceable in peace as well as in war, will depend upon the circumstances of the war, and the use to which it seems probable the goods will be put. What constitutes a violation of blockade? There must be (1) an actual blockade by a force sufficient to maintain it, (2) a proper notification of it, and (3) an actual or attempted entrance or departure with a cargo laden after it begins. As to the assistance which a neutral may render to a belligerent, it is noteworthy that the British government denied the right of an American naval officer to seize the confederate ambassadors on the British steamer Trent in 1861, and the United States disavowed the act. In *Policies of Insurance*, the neutrality of the property insured is sometimes expressly warranted, in which case the warranty is construed to mean that the ship or cargo is sometimes owned by a citizen of a country not at war when the risk begins, and that with the property shall go all these usual documents and precautions which prove the neutrality and protect it from belligerent risks. The warranty requires such trade, conduct, and course of action in the transaction as shall be in conformity and adaptation to it. Thus it is broken if a vessel exhibit only false papers when she is captured, or resist a search when rightly demanded, or seek or receive belligerent protection. The warranty of the neutrality of a ship is broken if a belligerent own any part of it; but in regard to goods, the warranty of the neutrality of a ship's goods extends only to the interest of the insured, and is not broken by the fact that part of the cargo not insured is not neutral. If, however, neutral interests or property are indistinguishable from belligerent interests, the whole becomes liable to all consequences of a belligerent character.

CHAPTER III.

MISCELLANEOUS LAWS.

Part I.—The Naturalization Laws of the United States and Dominion of Canada. Part II.—Extracts from the Postal Laws of the United States and Canada, respecting mailable and unmailable matter. Part III.—Copyright Rules and Regulations of the United States and the Dominion of Canada. Patent Laws and Regulations for applying for a patent in both Countries, and the Laws and Rules bearing upon Trade Marks. Part IV.—Co-Partnership Law. Part V.—Landlord and Tenant. Part VI.—Master and Servant and Apprentice. Part VII.—Extradition Laws between United States and Canada.

PART I—CHAP. III.

NATURALIZATION LAWS OF UNITED STATES.

All aliens entering the United States, excepting Chinamen, who are prohibited under all circumstances, can become citizens in the manner following. Naturalization is of three kinds: (1) Voluntary upon petition. (2) Involuntary, by the act of another. (3) Neither voluntary nor involuntary, but as the consequence of an action by the person concerned. Voluntary naturalization by petition requires five years' residence; the other two naturalizations: (2) of minor children, (3) the marriage of alien women to citizens, may be made upon the day of arrival. Every person naturalized whether male or female, infant or aged, is entitled to "second papers." "Second papers" may, therefore, be obtained by some aliens one day after landing, while others must wait five years. But only free white and free or slave negro women are naturalized by marriage to a citizen. An Indian woman cannot be naturalized under any circumstances. The following is the oath of intention to become a citizen:—

UNITED STATES OF AMERICA,	} ss.
State of Vermont,	
Chittenden County.	

I, JOHN SMITH, formerly a resident of Canada and now residing at Burlington, Vermont, an alien, do declare on oath, that it is *bona fide* my intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign Prince,

Potentate, State or Sovereignty, and particularly to the *Queen of Great Britain and Ireland*, of which I am at this time a citizen or subject

JOHN SMITH.

The foregoing declaration of intention }
made and sworn to before me this }
26th day of January A. D., 1889. }

ROSWELL DARTHMOUTH,

Clerk of the County Court of Chittenden, a Court of Record having common law jurisdiction, a Seal and a Clerk.

STATE OF VERMONT,

Chittenden County. } ss.

I, ROSWELL DARTHMOUTH, Clerk of Chittenden County, State of Vermont, a Court of Record, having common law jurisdiction and a Clerk and Seal, do hereby certify that I have compared the above with original declaration of intention of JOHN SMITH to be admitted a citizen of the United States, filed in my office this day and now on file therein, and that the same is a correct transcript thereof, and of the whole of such original.

{ L. S. }

In Testimony Whereof I have hereunto set my hand and affixed the Seal of Chittenden County, and of said Court at the City of Burlington, this 26th day of January, Anno Domini, 1889.

ROSWELL DARTHMOUTH, Clerk.

The above certificate is evidence in any State in the United States, that John Smith has declared his intention at the time and in the place and State, of becoming a citizen of the United States. *It is a common delusion* in the British Colonies, that the special mention of renouncing allegiance to the Queen of Great Britain, is something extraordinary, and not required of other aliens. This is a misapprehension; every foreigner must swear allegiance in a similar manner, mentioning the Queen, King, Czar, Prince or Potentate of the Country of which he is a citizen, subject or adherant.

The applicant must be a resident for five years of the United States; and although he may not have declared his intention as above, until two or three years after becoming a resident, he can upon taking his final oath, as hereinafter prescribed, and the evidences of such residence by one or more credible witnesses, secure his certificate of citizenship; but in no case can he otherwise obtain

such certificate, without being a resident in the country for *five years*.

Witnesses' Affidavit.

STATE OF VERMONT,
Chittenden County. } ss.

WE, JOHN JONES AND WILLIAM HANDS, of the City of Burlington, in the County of Chittenden, aforesaid, and State of Vermont, and being citizens of the United States of America, of lawful age, depose and say that we are personally acquainted with John Smith, a foreigner, intending to become naturalized, and know that he has resided in the United States for the last five years, and for more than one year past in Vermont, and that he is a quiet and peaceable person, and well disposed to the Constitution of the United States, and to the order, good government, and happiness of the same.

Dated at Burlington this 4th day of March, A. D., 1891.

JOHN JONES.

WILLIAM HANDS.

Subscribed and Sworn to at Burlington, this 4th day of March, A. D., 1891.

Before me,

ROSSELL DARTHMOUTH,

Clerk of the County Court of Chittenden.

Second Affidavit of Allegiance to United States:

I, the above named John Smith, *do hereby* declare that I will support the Constitution of the United States, and that I do absolutely and entirely renounce and abjure all allegiance and fidelity to every foreign Prince, Potentate, or Sovereignty, whatever, and particularly I do hereby absolutely and entirely renounce and abjure all allegiance and fidelity to the Queen of Great Britain and Ireland.

JOHN SMITH.

Subscribed and Sworn to in open Court, this 4th day of March, A. D., 1891.

ROSSELL DARTHMOUTH, Clerk.



Admitted and sworn, as above, the day and year last aforesaid.

Certificate of Citizenship issued this 5th day of March, 1891.

ROSSELL DARTHMOUTH, Clerk.



STATE OF VERMONT.

SS.

CHITTENDEN COUNTY,

Be it remembered, that at the session of the County Court begun and holden at Burlington, within and for said County of Chittenden, on the last Tuesday in February, Anno Domini, 1891, John Smith of the City of Burlington, and County of Chittenden, and State of Vermont, having complied with all the laws of the United States, relating to the *naturalization of foreigners*, is this 5th day of March, A. D., 1891, in open Court, on due proof, and upon his oath of abjuration, and his oath of allegiance to the United States, by the judgment and order of said Court, admitted to all the rights and privileges of naturalized citizens of the United States.

In testimony whereof I have hereunto set my hand and affixed the seal of said Court, at Burlington, in said county, this 5th day of March, A. D., 1891.

ROSWELL DARTMOUTH, Clerk.

NATURALIZATION LAWS OF THE DOMINION OF CANADA.

Every person who is the full age of twenty-one years and who is not an idiot, lunatic or married woman, can become by the laws a naturalized subject of Canada, as one of Her Majesty's colonies, under 44 V. chapter 113. The following are the forms:

"A."

OATH OF RESIDENCE.

I, William Jones, do solemnly swear (or affirm as the case may be) that, in the period of five years preceding this date I have

resided five years in the Dominion of Canada, with intent to settle therein, without having been, during such five years, a stated resident in any foreign country. So help me God.

Sworn before me at Montreal, this 1st day }
of January in the year of our Lord, 1889. } WILLIAM JONES.

WILBUR WING,
C. C. Court.

NOTE.—The person usually authorized to take this oath is the clerk of the County Court. The act however provides that the Governor in Council may, from time to time, appoint commissioners to administer oaths under the act. This certificate of residence is filed when taken in the different provinces as follows: Ontario, with the clerk of the peace in the county where applicant resides; Quebec, with the clerk of the Circuit Court of the circuit within which the appellant resides; Nova Scotia, with the prothonotary of the Supreme Court; New Brunswick, with the clerk of the Supreme Court; British Columbia, with the clerk of the Supreme Court for the province; Prince Edward Island, with the clerk of the Supreme Court of Judicature; Manitoba, with the clerk of the Court of Queen's Bench; North West Territories, with the person prescribed by the Governor in council.

CIVIL SERVICE EMPLOYEE'S OATH.

I, William Hopkins, do swear (or affirm) that, in the period of three years preceding this date, I have been in the service of the Government of Canada, (or of the Government of the Province * * whatever province he was employed by), for the term of three years and I intend, when naturalized, to reside in Canada (or to serve under the Government of * * * as the case may be).

Sworn before me at Montreal, this }
1st day of January, A. D., 1889. } WILLIAM HOPKINS.

WILBUR WING,
C. C. C.

Upon the filing of certificates in the form above with the officials prescribed in the different Provinces, the proclamatory order is read at the next session of the regular Court of *Oyer and Termine*, or County Court, and if no objection is made the oath of allegiance in the following form is duly administered:

OATH OF ALLEGIANCE.

I, WILLIAM JONES, do solemnly promise and swear (or affirm) that I will be faithful and bear true allegiance to Her Majesty Queen Victoria (or the reigning sovereign for the time being) as lawful Sovereign of the United Kingdom of Great Britain and Ireland, and of the Dominion of Canada, dependant on, and belonging to the said Kingdom, and that I will defend Her to the utmost of my power against all traitorous conspiracies or attempts whatsoever which shall be made against Her Person, Crown and Dignity, and that I will do my utmost endeavor to disclose and make known to Her Majesty, Her Heirs or Successors, all treasons or traitorous conspiracies and attempts which I shall know to be against Her or any of them; and all this I do swear (or affirm) without any equivocation, mental evasion or secret reservation. So help me God.

Sworn before me at Montreal, }
 this 1st of August, A. D. 1889. }

WILLIAM JONES.

WILBUR WING,

C. C. C.

"B."

THE NATURALIZATION CERTIFICATE.

I, Wilbur Wing, Clerk of the Circuit Court in and for the City of Montreal, do certify that William Jones, an alien, on the 1st day of January, 1889, subscribed and took before me the oath of residence, and upon the 1st day of August, 1889, the oath of allegiance, authorized by the eighth section of "The Naturalization Act," and therein swore (or affirmed) to residence in Canada for five years; that I have reason to believe, and do believe, that the said William Jones, within the period of five years preceding the said day, has been a resident within Canada for five years, that the said William Jones is a person of good character, and that there exists, to my knowledge, no reason why the said William Jones should not be granted all the rights and capacities of a natural-born British subject.

Dated at Montreal, the 5th day of August, A. D. 1889.

WILBUR WING, C. C. C.

NOTE.—In the government employee's case the certificate is simply changed from five years to three years, and substituted that he was in the civil service for that period.

"C."

FINAL CERTIFICATE OF THE COURT.

DOMINION OF CANADA, }
Province of Quebec. }

In the Circuit Court, in and for the County of Hochelaga :

Whereas, WILLIAM JONES, formerly of the City of New York, in the United States of America, and a citizen thereof, has complied with the several requirements of the "Naturalization Act," and has duly resided in Canada for the period of five years. And whereas the certificate granted to the said William Jones, under the tenth section of said Act (the naturalization certificate), and has been duly read in open court and thereupon, by order of said court, has been filed of record in the same, pursuant to the said Act. This is, therefore, to certify to all whom it may concern, that under and by virtue of the said Act, WILLIAM JONES has become naturalized as a British subject, and is, within Canada, entitled to all political and other rights, powers and privileges, and is subject to all obligations to which a natural-born British subject is entitled or subject within Canada, with this qualification, that he shall not, when within the limits of the foreign State of which he was a citizen, previous to the date hereof, be deemed to be a British subject, unless he has ceased to be a citizen of that State, in pursuance of the laws thereof or in pursuance of a treaty or convention to that effect.

Given under the seal of the said court, this 5th day of August,
A. D. 1889.

E. F.,
Judge of the Court, presiding.

PART II—CHAP. III.

EXTRACTS FROM THE POSTAL LAWS AND REGULATIONS OF THE UNITED STATES AND CANADA.

Blackmail Postal Cards.—The letter following, from Postmaster-General Dickson, sets forth the regulations of the Postoffice Department of the United States regarding the mailing of the same :

Postoffice Department,
OFFICE OF THE POSTMASTER-GENERAL,
WASHINGTON, D. C., June 18, 1888. }

The President has this day approved the act which, among other things, provides as follows :

“And all matter otherwise mailable by law, upon the envelope or outside cover or wrapper of which, or postal card, upon which indecent, lewd, lascivious, obscene, libelous, scurrilous, or threatening delineations, epithets, terms or language, or reflecting injuriously upon the character or conduct of another, may be written or printed, are hereby declared unmailable matter, and shall not be conveyed in the mails, nor delivered from any postoffice nor by any letter-carrier ; and any person who shall knowingly deposit, or cause to be deposited for mailing or delivery, anything declared by this section to be unmailable matter, and any person who shall knowingly take the same or cause the same to be taken from the mails, for the purpose of circulation or disposition of, or of aiding in the circulation or disposition of the same,—shall be deemed guilty of a misdemeanor, and shall, for each offense, be fined not less than \$100 nor more than \$5000, or imprisoned at hard labor not less than one year nor more than ten years, or both, at the discretion of the court.”

Postmasters are notified that under this act such matter will be treated precisely as obscene matter is treated under the provisions of *Section 380, Postal Laws and Regulations.*

Any postal card, or any other matter upon the envelope or outside cover of which appears anything which reflects injuriously upon

the person addressed, or any one else, or upon his character or conduct, or is plainly calculated and intended to injure his feelings or reputation, or bring him discredit, or which threatens him—will be excluded. Anything in the nature of an offensive or threatening dun, apparent upon an envelope, outside cover or postal card, or conveying the suggestion that such dun is inclosed, will be excluded as non-mailable under this act. The attention of postmasters is called, in this connection, to Sections 381 and 527 of the Postal Laws and Regulations, as applicable. As to the mailability, the postmaster, if he deems any case doubtful, will submit it to the Department for decision.

(Signed)

DON M. DICKSON,
Postmaster-General.

DOMESTIC RATES OF POSTAGE IN THE UNITED STATES.

All mailable matter for transmission by the United States mails within the United States, is divided into *four classes*, under the following regulations:

First Class Matter.—This class includes letters, postal cards, and anything sealed or otherwise closed against inspection, or anything containing writing not allowed as an accompaniment to printed matter under class three. Rates of postage to any part of the United States, *two cents per ounce or fraction thereof*; rates on local drop letters at free delivery offices, *two cents per ounce or fraction thereof*; at offices where there is no free delivery by carriers, *one cent per ounce or fraction thereof*; rates on postal cards, *one cent*. Nothing must be added or attached to a postal card, except that a printed address slip may be pasted on the address side. The addition of anything else subjects the card to letter postage. Nothing but the address, and as hereinbefore, must be upon the face, or stamped side.

Rates on specially delivered letters, ten cents on each letter in addition to regular postage; this entitles the letter to immediate delivery by special messenger. Special delivery stamps are sold at postoffices, and must be affixed to each letter. An ordinary ten-cent postage stamp affixed to a letter will not entitle it to special delivery.

Pre-payment by stamps invariably required. Postage on all

letters should be fully prepaid, but if prepaid one full rate and no more, they will be forwarded, and the amount of deficient postage collected on delivery ; if wholly unpaid, or prepaid with less than one full rate and deposited at a postoffice, the addressee will be notified to remit postage, and if he fails to do so they will be sent to the Dead Letter Office ; but they will be returned to the sender if he is located at the place of mailing, and if his address be printed or written upon them.

Letter rates are charged on all productions by the typewriter or manifold process. Letters (but no other class of mail matter) will be returned to the sender free, if a request to that effect is printed or written on the envelope. There is no limit of weight of first class matter.

Prepaid letters will be forwarded from one postoffice to another upon the written request of the person addressed, without additional charge for postage. The direction on forwarded letters may be changed as many times as may be necessary to reach the person addressed.

Second Class Matter.—This class includes all newspapers, periodicals, or matter exclusively in print and regularly issued at stated intervals as frequently as four times a year, from a known office of publication or news agency, to actual subscribers or news agents, and transient newspapers and publications of this character mailed by persons other than publishers.

RATES OF POSTAGE TO PUBLISHERS.—*One cent a pound or fraction thereof*, prepaid by special stamp. Publications designed primarily for advertising or free circulation, or not having a legitimate list of subscribers, are excluded from the pound rate, and pay third class rates.

Publications sent to actual subscribers in the country where published free, unless mailed for local delivery at a letter-carrier office. Rates of postage on transient newspapers, magazines, or periodicals, *one cent for each four ounces or fraction thereof*. These rates do not apply for transient publications mailed for local delivery by carriers at a free delivery office.

Third Class Matter.—Mail matter of the third class includes printed books, pamphlets, engravings, circulars (in print or by the hectograph, electric pen, or similar process), and other mat-

ter wholly in print, proof sheets, corrected proof sheets, and manuscripts, copies or copy accompanying the same. The rate on matter of this class is *one cent* for each two ounces or fraction thereof. Manuscript, unaccompanied by proof sheets, must pay letter rates. Third class matter must admit of easy inspection, otherwise it will be charged letter rates on delivery. It must be fully prepaid, or it will not be forwarded. Its wrapper must bear no writing or printing except the name and address of the sender and a return request.

The limit of weight is four pounds, except single books in separate packages, on which the weight is not limited. The name and address of the sender, preceded by the word "from," may be written upon the package, and a simple manuscript dedication may appear in a book or upon the article enclosed, as: "Presented to—by—, etc.," or "A birthday gift from —, etc."

Fourth Class Matter.—Fourth class matter is allailable matter not included in the three preceding classes, which is so prepared for mailing as to be easily withdrawn from the wrapper and examined. It embraces merchandise and samples of every kind and description, and coin and specie. Rates of postage, *one cent for each ounce or fraction thereof*, (except seed, roots, bulbs, cuttings, coins and plants, the rate of which is *one cent for each two ounces or fraction thereof*); this matter must be fully prepaid, or it will not be forwarded.

Articles of this class that are liable to injure or deface the mails—such as glass, sugar, needles, nails, pens, etc.,—must be first wrapped in a bag, box, or open envelope, and then secured in another outside tube or box made of metal or hardwood, without sharp corners or edges, and having a sliding clasp or screw lid, thus securing the articles in a double package. Such articles as poisons, explosives, or inflammable articles, live animals, insects, or substances exhaling a bad odor, will not be forwarded in any case. The regulations respecting the mailing of liquids are as follows: Liquids not ardent, vinous, spiritous or malt, and not liable to explosion, spontaneous combustion, or ignition by shock or jar, and not inflammable (such as kerosene, naphtha or turpentine), may be admitted to the mails for transportation within the United States. When contained in glass bottles or vials, such bottles or vials must be strong

enough to stand the shock of handling in the mails, and must be enclosed in a wooden or papier mache block or tube, not less than three-sixteenths of an inch thick in the thinnest part, strong enough to support the weight of mails piled in bags, and resist rough handling; and there must be some other absorbent sufficient to protect the glass from shock in handling; the block or tube should be a tightly-fitted screw-lid of wood or metal, with a rubber or other pad so adjusted as to make the block or tube water-tight and prevent the leakage of the contents in case of breaking of the glass. The limit of admissible liquids and oils is not to exceed four ounces, liquid measure. Limit of weight (excepting liquids) four pounds. The ordinary return directions are admitted to be written or printed thereupon.

REGISTRATION.—All kinds of postal matter, except second class matter, can be registered at the rate of ten cents for each package in addition to the regular rates of postage, to be fully prepaid by stamps. Each package must bear the name and address of the sender, and a receipt will be returned from the person to whom addressed. The Postoffice Department or its revenue is not liable for loss of any registered mail matter.

MONEY ORDERS PAYABLE AT DOMESTIC OFFICES, the rates are as follows:—For sums not exceeding \$5, five cents; for \$5 and up to \$10, eight cents; for \$10 to \$15, ten cents; for \$15 to \$30, fifteen cents; for \$30 to \$40, twenty cents; for \$40 to \$50, twenty-five cents; for \$50 to \$60, thirty cents; for \$60 to \$70, thirty-five cents; for \$70 to \$80, forty cents; for \$80 to \$100 forty-five cents.

POSTAL NOTES are issued for sums less than \$5, for a fee of three cents, and are payable to any person presenting them, either at the office designated on the note or at the office of issue within three months of date of issue. They are not issued without the United States, or payable.

FREE DELIVERY is required by law, in every town or city of 50,000 population, and may be established in places containing not less than 10,000.

FRANKING PRIVILEGES were abolished in July, 1873, excepting public documents printed by order of Congress; letters or other matter relating exclusively to the United States Government, or appli-

cations for copyrights, etc., under the regulations as set forth in the Copyright Regulations in this Chapter, Part III.

POSTAGE TO CANADA:—Letters per ounce (prepayment compulsory) two cents; postal cards, one cent; newspapers, per four ounces, one cent; samples of merchandise, not exceeding 8 ounces, ten cents; registration fee, ten cents. **CORRESPONDENCE EXCHANGEABLE** comprises letters (ordinary and registered), postal cards, newspapers, pamphlets, magazines, books, maps, plans, engravings drawings, photographs, lithographs, sheets of music, etc., and patterns and samples of merchandise including grains and seeds. Any article of correspondence may be registered. Patterns and samples are construed to be bona fide specimens of goods on hand and for sale, having no intrinsic value apart from their use as patterns or samples. They are subject to the regulations of either country to prevent violations of the revenue laws, must be left easy of inspection, if inspection is required.

COUNTRIES OF THE UNIVERSAL POSTAL UNION include nearly all the civilized countries of the world, except the provinces of Australia and others hereinafter mentioned. **THE POSTAGE** to all the countries under this union, is as follows:—Letters, per half ounce, prepayment optional, *five cents*; Post cards, *two cents*; Newspapers and other printed matter, per 2 ounces, *one cent*; Commercial papers in packets not exceeding 10 ounces, *five cents*; exceeding 10 ounces, for each 2 ounces, *one cent*; Samples of merchandise, not exceeding 4 ounces, for each 2 ounces, *one cent*; Registration fee on all articles or letters named, *ten cents additional*.

COUNTRIES OR COLONIES OF GREAT BRITAIN NOT IN THE POSTAL UNION:—Australia, except New South Wales, Queensland and Victoria; Cape Colony, China, Natal, Morocco, New Zealand, Transval, Madagascar, and St. Helena. *Postage* to all the Australian Colonies and New Zealand:—12 cents per half ounce prepaid; Cape Colony and St. Helena, 15 cents per half ounce; Australia that is not out of the Postal Union and letters addressed via San Francisco, *five cents* per half ounce; Newspapers to Australia, *two cents* per 2 ounces.

EXTRACTS POSTAL LAWS OF CANADA.

SECTION 103, 46 VIC.—Provides that every one who posts for transmission or delivery, by or through the post, any obscene or

immoral book, pamphlet, picture, print, engraving, lithograph, photograph, or other publication, matter or thing of an indecent, immoral, seditious, disloyal, scurrilous, or libelous character; or any letter upon the outside or envelope of which, or any post card or post band or wrapper upon which, there are words, devices, matters or things of the character aforesaid, or any lottery circular, or concerning an illegal gift concert or other similar enterprise, offering prizes; or concerning schemes devised and intended to deceive and defraud the public, for the purpose of obtaining money under false pretences,—is guilty of a misdemeanor.

SECTION 92, 38 VIC.—Provides against inclosing explosive substances in matter posted in the mails, as follows: Every one who incloses in or with any letter, packet or other mailable matter, sent by post, or puts into any postoffice, any explosive, dangerous or destructive substance or liquid, or any matter or thing likely to injure any letter or other mailable matter or the person of any officer or servant of the postoffice,—is guilty of a misdemeanor, unless such offence is, by the criminal statutes, punishable in a greater magnitude.

SECTION 45, CHAP. 35.—Any letter or other article of mail matter suspected to contain any contraband goods, wares or merchandise, or any goods, wares or merchandise on the importation list, on which coming into Canada any duty or customs are by law payable, and suspected to have been inclosed therein and sent by post to evade payment of the customs, who in the presence of the person to whom the same is addressed, or in his absence the collector at the nearest port, may open and examine the same. If dutiable goods are found therein, the collector may detain the letter or article of mail matter and its contents for the purpose of prosecution; or by notice to the party addressed, inform the person that a letter or parcel is laying in the customs for him, if he supposes it is a case of no evasion of the law.

SECTION 93, 35-49, VIC., provides a penalty of \$10 and up to \$40, for inclosing in a parcel or newspaper, letter, post card, or other mail matter.

POSTAGE RATES WITHIN CANADA OR TO THE UNITED STATES.—On all *first-class matter*, three cents per $\frac{1}{2}$ oz.; post cards, *one cent*; registration, two cents extra.

POSTAGE TO FOREIGN COUNTRIES, EXCEPT THE U. S.—*Five cents per half ounce* to Austria, Belgium, Cuba, Egypt, France, Germany, Gibraltar, Holland, Italy, Japan (via U. S.), Madeira, Mexico, Portugal, Russia, Sandwich Islands, St. Pierre et Miquelon, Spain, Sweden, Switzerland, Bermuda, Newfoundland; *ten cents per half ounce* to Africa, Brazil, Buenos Ayres, Ceylon, China, Mauritius, Monte Video and Sierra Leone; *fifteen cents per half ounce* to the following places: Australia S. & W., Cape of Good Hope, New South Wales, New Zealand, Tasmania and Victoria; *seven cents* to Fiji Islands and to South and West Australia, not by Brisbane.

NEWSPAPERS.—Where five cents postage per half ounce is charged on letters, one cent per two ounces is charged on newspapers; where 10 cents letter postage, two cents per two ounces; where 15 cents per half ounce on letters, four cents per two ounces on papers; where 7 cents, three cents per two ounces.

SAME REGULATIONS AS IN U. S. is adopted, unless as follows: There is no special delivery; there is no postal notes issued; franking is admitted on all correspondence with the government or all its departments and employees at the head departments; with all members of the Senate and House of Commons, during the session of Parliament; upon all matters appertaining to the copyright or patent and trade mark departments. Canada has a "Book Post" of one cent per four ounces; to the United Kingdom, one cent per two ounces; they have a parcel post in which they charge six cents per four ounces, and five cents for registering; five cents is charged for registration on all places outside of Canada.

PART III.—CHAP. III.

DIRECTIONS FOR SECURING COPYRIGHTS IN THE UNITED STATES UNDER THE LATEST REVISED ACTS OF CONGRESS.

1.—A printed copy of the title (besides the two copies to be deposited after publication) of the book, map, chart, dramatic or musical composition, engraving, cut, print, or photograph, or a description of the painting, drawing, chromo, statue, statuary, or model or design for a work of the fine arts, for which copyright is desired, must be sent by mail or otherwise, prepaid, addressed :

“LIBRARIAN OF CONGRESS,
Washington, D. C.”

This must be done before publication of the book or other article. The printed title required may be a copy of the title page. In other cases, the title must be printed expressly for copyright entry, with name of claimant of copyright. The style of type is immaterial, and the print of a type-writer will be accepted. But a separate title is required for each entry, and each title must be printed on paper as large as commercial note. The title of a periodical must include the date and number.

2.—The legal fee for recording each copyright claim is 50 cents, and for a copy of this record (or certificate of copyright) an additional fee of 50 cents is required, making \$1, in case certificate is wanted, which will be sent by early mail. Certificates covering more than one entry are not issued.

3.—Within ten days after publication of each book or other article, two complete copies of the best edition issued must be sent, to perfect the copyright (as set forth in clause one above), with the address :

“LIBRARIAN OF CONGRESS,
Washington, D. C.”

The postage must be prepaid, or else the publication inclosed in parcels covered by printed Penalty Labels, furnished by the Librarian, in which case they will come *free* by mail, without limit

of weight, according to rulings of the Postoffice Department. Without the deposit of copies above required the copyright is void, and a penalty of \$25 is incurred. No copy is required to be deposited elsewhere.

4.—No copyright is valid unless notice is given by inserting in every copy published, on the title page or the page following, if it be a book; or, if a map, chart, musical composition, print, cut, engraving, photograph, painting, drawing, chromo, statue, statuary, or model or design intended to be perfected as a work of the fine arts, by inscribing upon some portion thereof, or on the substance on which the same is mounted, the following words, viz: "*Entered according to Act of Congress, in the year ———, by ———, in the office of the Librarian of Congress at Washington,*" or, at the option of the person entering the copyright, the words: "*Copyright, 18—, by ———.*"

The law imposes a penalty of \$100 upon any person who has not obtained copyright who shall insert the notice "*Entered according to Act of Congress,*" or "*Copyright,*" etc., or words to the same import, in or upon any book or other article.

5.—Any author may reserve the right to translate or dramatize his own work. In this case, notice should be given by printing the words, "*Right of translation reserved,*" or, "*All rights reserved,*" below the notice of copyright entry, and notifying the Librarian of Congress of such reservation, to be entered upon record. Since the phrase "*All rights reserved*" refers exclusively to the author's right to dramatize or to translate, it has no bearing upon any publications except original works, and will not be entered upon the record in other cases.

6.—The original term of copyright runs for *twenty-eight years*. Within six months before the end of that time, the author or designer, or his widow or children, may secure a renewal for the further term of *fourteen years*, making *forty-two years* in all. Application for renewal must be accompanied by explicit statement of ownership, in case of the author, or of relationship, in the case of his heirs, and must state definitely the date and place of entry of the original copyright. Advertisement of renewal is to be made within *two months* of date of renewal certificate, in some newspaper, for four weeks.

7.—The time within which any work entered for copyright may be issued from the press is not limited by any law or regulation, but depends upon the discretion of the proprietor. A copyright may be secured for a projected work as well as for a completed one. But the law provides for no caveat, or notice of interference—only for actual entry of title.

8.—A copyright is assignable in law by any instrument of writing, but such assignment must be recorded in the office of the Librarian of Congress within sixty days from its date. The fee for this record and certificate is one dollar, and for a certified copy of any record of assignment one dollar.

9.—A copy of the record (for duplicate certificate) of any copyright entry will be furnished, under seal, at the rate of fifty cents each.

10.—In case of books published in more than one volume, or of periodicals published in numbers, or of engravings, photographs, or other articles published with variations, a copyright is to be entered for each volume or part of a book, or number of a periodical, or variety, as to style, title, or inscription, of any other article. To complete the copyright on such a work two copies of each serial part, as well as of the complete work (if published separately) must be deposited.

11.—To secure a copyright for a painting, statue, or model, or design intended to be perfected as a work of the fine arts, so as to prevent infringement by copying, engraving, or vending such design, a definite description must accompany the application for copyright, and a photograph of the same, at least as large as "cabinet size," should be mailed to the Librarian of Congress within ten days from the completion of the work or design.

12.—Copyrights cannot be granted upon trademarks, nor upon mere names of companies or articles, nor upon prints or labels intended to be used with any article of manufacture. If protection for such names or labels is desired, application must be made to the Patent Office, where they are registered at a fee of \$6 for labels and \$25 for trade marks.

13.—Citizens or residents of the United States only are entitled to copyright.

14.—Every applicant for a copyright should state distinctly the full name and residence of the claimant, and whether the right is claimed as author, designer, or proprietor. No affidavit or formal application is required.

COPYRIGHT REGULATIONS OF THE DOMINION OF CANADA.

SEC. 4. Any person domiciled in Canada or in any part of the British possessions, or any citizen of any other country which has an international copyright treaty with the United Kingdom (the United States has no such treaty), who is the author of any book, map, chart, or musical composition, or of any original painting, drawing, statue, sculpture or photograph, or who invents, designs, etches, engraves, or causes to be engraved, etched or made from his own design, any print or engraving, and the legal representatives of such person or citizen, shall have sole and exclusive right and liberty of printing, reprinting, publishing, reproducing and vending such literary, scientific or artistic works or compositions, in whole or in part, and of allowing translations to be printed or reprinted and sold, of such literary works, from one language into other languages, for the term of *twenty-eight years* from the time of recording the copyright thereof in the manner hereinafter directed.—38 V., Chap. 88, s. 4.

SEC. 5. The condition for obtaining such copyright shall be that the said literary, scientific or artistic works shall be printed and published, or reprinted and republished, in Canada; or in case of works of art, that they shall be produced or reproduced in Canada, whether they are so published or produced for the first time, or contemporaneously with, or subsequently to publication or production elsewhere; but, in no case shall the said sole and exclusive right liberty in Canada continue to exist after it has expired elsewhere.

2.—No immoral, licentious, irreligious, or treasonable or seditious literary, scientific or artistic work shall be the legitimate subject of such registration or copyright.—38 Vic., C. 88, s. 4, part.

SEC. 6. Every work of which the copyright has been granted and is subsisting in the United Kingdom, and copyright of which is not secured or subsisting in Canada, under any act of the Province

of Canada, or of the Legislature of any of the provinces forming part of Canada, or of the Legislature of any of the provinces forming part of what may be termed Old Canada, (this refers to the provinces of Upper and Lower Canada prior to the Confederation of the Provinces, which are now named Ontario and Quebec), shall, when printed and published, or reprinted and republished, in Canada, be entitled to copyright under this act; but nothing in this act shall be held to prohibit the importation from the United Kingdom of copies of any such work lawfully printed there.

2.—If any such copyright work is reprinted subsequently to its publication in the United Kingdom, any person who has, previously to date of entry of such work upon the registers of copyrights, imported any foreign reprints, may dispose of such reprints by sale or otherwise; but the burden of proof of establishing the extent and regularity of transactions shall, in such case, be upon such person.—38 V., C. 88, s. 15.

SEC. 7. Any literary work, intended to be published in pamphlet or book form, but which is first published in separate articles in a newspaper or periodical, may be registered under this act while it is so preliminarily published, if the title of the manuscript and a short analysis of the work are deposited at the Department, and if every separate article so published is preceded by the words, "Registered in accordance with the Copyright Act"; but the work, when published in book or pamphlet form, shall be subject also to the other requirements of this act.—38 V., C. 88, s. 10, part.

SEC. 8. If a book is published anonymously, it shall be sufficient to enter it in the name of the first publisher thereof, either on behalf of the un-named author, or on behalf of such first publisher, as the case may be.—38 V., C. 88, s. 25.

SEC. 9. No person shall be entitled to the benefit of this act unless he has deposited at the Department two copies of such book, map, chart, musical composition, photograph, print, cut, or engraving, and in case of paintings, drawings, statuary, and sculpture, unless he has furnished a written description of such works of art; and the minister shall cause the copyright of the same to be recorded forthwith in a book to be kept for that purpose, in the manner adopted by him, or prescribed by rules and forms made, from time o time, as herein provided.—38 V., C. 88, s. 7.

SEC. 10. The minister shall cause one of such two copies of such book, map, chart, musical composition, photograph, print, cut, or engraving, to be deposited in the library of the Parliament of Canada.—38 V., c. 88, s. 8.

SEC. 11. It shall not be requisite to deliver any printed copy of the second, or of any subsequent edition of any book, unless the same contains very important alterations or additions.—38 V., c 88, s. 26.

SEC. 12. No person shall be entitled to the benefit of this act unless he gives information of the copyright being secured by causing to be inserted in the several copies of every edition published during the term secured, on the title page, or on the page immediately following, if it is a book—or if it is a map, chart, musical composition, print, cut, engraving or photograph, by causing to be impressed on the face thereof,—or if it is a volume of maps, charts, music, engravings or photographs, upon the title page or frontispiece thereof, the following words, that is to say: "Entered according to Act of the Parliament of Canada, in the year 18—, by A. B., at the Department of Agriculture"; but as regards paintings, drawings, statuary and sculptures, the signatures or signature of the artist shall be deemed a sufficient notice of such proprietorship.—38 V., c. 88, s. 9.

SEC. 13. The author of any literary, scientific or artistic work, or his legal representatives, may, pending the publication or republication thereof in Canada, obtain an interim copyright thereof by depositing at the Department a copy of the title or a designation of such work, intended for publication or republication in Canada—which title or designation shall be registered at the said Department—to secure to such author aforesaid, or his legal representatives, the exclusive rights recognized by this act, previous to publication or republication in Canada; but such interim registration shall not endure for more than *one month* from the date of the original publication elsewhere, within which period the work shall be printed or reprinted and published in Canada.

2.—In every case of interim registration under this act, the author or his legal representatives shall cause notice of such registration to be inserted once in the Canada Gazette.—38 V., c. 88, 10, part.

SEC. 14. The application for the registration of an interim copyright, of a temporary copyright, and of a copyright, may be made in the name of the author or his legal representatives, by any person purporting to be the agent of such author or legal representatives; and any damage caused by a fraudulent or an erroneous assumption of such authority, shall be recoverable in any court of competent jurisdiction.—38 V., c. 88, s. 23, part.

SEC. 15. The right of an author of a literary, scientific or artistic work, to obtain a copyright, and the copyright when obtained, shall be assignable in law, either in whole or part, by an instrument in writing, made in duplicate and one copy filed in the Department of Agriculture.—Extract from 38 V., c. 88, s. 18.

SEC. 17. This clause gives the right of renewal at end of twenty-eight years for the term of *fourteen years* longer. The proceedings of original copyrights must be fulfilled within one year after the expiration of the original term, or the right becomes forfeited.—Part of Sec. 5 of same act.

SEC. 24. This clause of the regulations provides as follows: Newspapers and magazines published in foreign countries, and which contain, together with foreign original matter, portions of British copyright works republished with consent of the author, or his legal representatives under the law of the country where such copyright exists, may be imported into Canada.—38 V., c. 88, s. 20.

PENALTIES FOR INFRINGEMENT.

\$1 or not less than 10 cents for every copy found of a book, or other publication found in the possession or known to have been sold or possessed by the person or persons so infringing. The same for any painting, drawing, statue or other work of art. The same as to prints, maps, engravings and musical compositions, along with a forfeiture of all so found. The act provides for a penalty of \$300 for advertising or pretending to have a copyright. The penalty for falsely representing that the interim registration has been made, is \$100. A moiety of the fine goes to the government and the residue to the lawful owner of the copy-right. The act provides that any action under the act must be brought within two years after the cause of action arises.

FORM OF APPLICATION TO BE MADE BY THE AUTHOR OR PROPRIETOR FOR
COPYRIGHT UNDER THE ACT.

To the Minister of Agriculture,

(Copyright Branch) Ottawa, Canada.

I (name of person), domiciled in Canada (state the place and province), or being a citizen of any country which has an international copyright treaty with the United Kingdom (as the case may be), hereby declare that I am the proprietor of the (book, map, chart, etc., as the case may be), called (title or name, as the case may be), and that the said (book, etc.), has not been published in Canada by (name of the publisher thereof), in the (name of locality where the publication has taken place), in the Province of (name the province where published) and hereby request the registration of the same, and for that purpose I herewith forward the fee required by "The Copyright Act," together with two copies of the (book, map, chart, etc.)

In testimony whereof, I have signed in the presence of the two undersigned witnesses at the place and date hereunder mentioned.

Dated at ———, in the Province of
———, this — day of ———, 18—.

(Sig. of Author.)

(Sigs. of witnesses here.)

Registration fees, \$1 for complete ; 50 cts. for interim.

NOTE.—The following amendment of the Canadian Copyright Act repeals certain clauses of the foregoing.—AUTHOR.

AN ACT TO AMEND "THE COPYRIGHT ACT," CHAPTER SIXTY-TWO
OF THE REVISED STATUTES OF 1889.

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. Sections four and five of "*The Copyright Act*" are hereby repealed and the following substituted therefor:

"4. Any person domiciled in Canada or in any part of the British possessions, or any citizen of any country which has an International copyright treaty with the United Kingdom, in which Canada is included, who is the author of any book, map, chart or

musical or literary composition, or of any original painting, drawing, statue, sculpture or photograph, or who invents, designs, etches, engraves or causes to be engraved, etched or made from his own design, any print or engraving, and the legal representatives of such person or citizen, shall have the sole and exclusive right and liberty of printing, reprinting, publishing, reproducing and vending such literary, scientific, musical or artistic works or compositions, in whole or in part, and of allowing translations to be printed or reprinted and sold of such literary works, from one language into other languages, for the term of twenty-eight years from the time of recording the copyright thereof in the manner and on the conditions, and subject to the restrictions hereinafter set forth.

“5. The conditions for obtaining such copyright shall be that the said literary, scientific, musical or artistic work shall, before publication or production elsewhere, or simultaneously with the first publication or production thereof elsewhere, be registered in the office of the Minister of Agriculture, by the author or his legal representatives, and further, that such work shall be printed and published or produced in Canada, or reprinted and republished or reproduced in Canada, within one month after publication or production elsewhere; but in no case shall the sole and exclusive right and privilege in Canada continue to exist after it has expired in the country of origin:

“2. No immoral, licentious, irreligious, or treasonable or seditious literary, scientific or artistic work shall be the subject of such registration or copyright:

“3. If any such copyright work has been reprinted previously to the coming into force of this Act, any person who has, previously to such date, imported any foreign reprints, may dispose of such reprints by sale or otherwise; but the burden of proof of establishing the extent and regularity of the transaction shall, in such case, be upon such person:

“4. In the case of any person who has contracted, previously to the coming into force of this Act, to supply any reprint of any work, either in its complete state or by serial numbers, of which work copyright has been obtained either in the United Kingdom or any such country as aforesaid, but not in Canada, such person shall

be entitled to complete such contract, and, subject to the provisions of the Acts respecting duties of Customs, to import the same; but the burden of proof of establishing the extent and regularity of the transaction shall, in such case, be upon such person."

2. Section six of the said Act is hereby repealed.

3. If the person entitled to copyright under the said Act as hereby amended fails to take advantage of its provisions, any person or persons domiciled in Canada may obtain from the Minister of Agriculture a license or licenses to print and publish or to produce the work for which copyright, but for such neglect or failure, might have been obtained; but no such license shall convey exclusive rights to print and publish or produce any work:

2. A license shall be granted to any applicant agreeing to pay the author or his legal representatives a royalty of ten per centum on the retail price of each copy or reproduction issued of the work which is the subject of the license, and giving security for such payment to the satisfaction of the Minister.

4. The royalty provided for in the next preceding section shall be collected by the officers of the Department of Inland Revenue, and paid over to the persons entitled thereto, under regulations approved by the Governor in Council, but the Government shall not be liable to account for any such royalty not actually collected.

5. Whenever under the foregoing provisions of this Act a license has been issued permitting the printing and publishing or the producing of any work, and evidence has been adduced to the satisfaction of the Governor in Council that such work is in course of being printed and published or produced in such manner as to meet the demand therefor in Canada, the Governor General may, by proclamation published in the *Canada Gazette*, prohibit the importation, while the author's copyright or that of his assigns is in force, subject to the provisions hereinafter contained, of any copies or reproductions of the work to which such license relates; but if at any time thereafter it is made to appear to the Governor in Council that such work is not, under such license, printed and published or produced in such manner as to meet such demand, the Governor General may, by proclamation published as aforesaid, revoke such prohibition.

6. Nothing in this Act contained shall be deemed to prohibit the importation from the United Kingdom of copies of works of which the copyright is there existing and which are lawfully printed and published there, nor shall anything in this Act contained be deemed to apply to any work for which copyright has been obtained in the United Kingdom or in any such country as aforesaid before the coming into force of this Act; but the law in force at the time of the coming into force hereof shall be deemed to be still in force as respects such works.

7. The foregoing provisions of this Act shall come into force on a day to be named by proclamation of the Governor General.

RULES OF PRACTICE IN THE UNITED STATES PATENT OFFICE.

1.—All business should be transacted in writing, and addressed to the "Commissioner of Patents, Washington, D. C." Express charges, freight, postage, and all other charges must be prepaid. Personal attendance is unnecessary. Double correspondence with inventor and an attorney, or two attorneys, will not be permitted. Inventor can correspond himself, or if he appoints an attorney, he shall notify the Commissioner of Patents of such appointment, when the Department will then only recognize the correspondence of such attorney. All correspondence, to avoid errors and insure prompt answers, should give, on the top of such letters, the serial number; which will be put upon the application at the Department when first received. Inquiries cannot be answered, when made with a view of ascertaining whether any alleged improvements have been patented; nor can the Department act as expounders of patent law, except as to questions arising within the office. The merits or demerits of an invention, the inventor alone must be the judge of; the Department deals by rules prescribed by law, a copy of which will be forwarded to him (or, as the case may be, his attorney) and the section marked that bears upon his inquiry, and this the Department deems a respectful reply. Until patents are granted, absolute secrecy is maintained, unless necessary to the proper conduct of business before the office. The authority given by an inventor to an attorney, may be revoked at any time by cancelling the power given him and filed with the Department, when all further corres-

pondence will be carried on through the inventor or such other attorney he may appoint. Senators or members of Congress, are prohibited from examining or interference, in a like manner as all others outside of authorized attorney or inventor himself.

2.—A patent may be obtained by any person who has invented or discovered any new and useful art, machine, manufacture, or composition of matter, or any new and useful improvement thereof, not known or used by others in this country, and not patented or described in any printed publication in this or any foreign country, before his invention or discovery thereof, and not in public use or on sale for more than two years prior to his application, unless the same is proved to have been abandoned; and by any person who, by his own industry, genius, efforts and expense, has invented and produced any new and original design for a manufacture, bust, statue, alto-relievo, or bas-relief; any new and original design for the printing of woolen, silk, cotton, or other fabrics; any new and original impression, ornament, pattern, print or picture to be printed, painted, cast, or otherwise placed on or worked into any article of manufacture; or any new, useful, and original shape or configuration of any article of manufacture, the same not having been known nor used by others before his invention or production thereof, nor patented nor described in any printed publication, upon payment of the fees required by law and other due proceedings. In case of the death of the inventor, the patent may issue to the executors or administrators of inventor's estate; the inventor can assign his rights to a patent not issued, but the application and oath must be made by the actual inventor, if alive, even if patent is to issue to an assignee; if inventor is dead, then the oath must be made by his executors or administrators. If it appears that inventor believed himself to be the original inventor, or discoverer, a patent will not be refused on that account, if not patented already in the United States, excepting the same was described in a publication sold in this country. Joint inventors are entitled to joint patent; neither can claim one separately. Letters patent from a foreign government to file for patent in the United States, are admissible and valid, unless the invention shall have been in public use in the United States two years preceding the receipt of such letters, but in such case the time will be limited to expire concurrently with the original

patent in such foreign country, providing such unexpired period does not exceed *seventeen years*, in such case, then only for *seventeen years* from the filing of such letters.

3.—A complete application, comprises the petition, specification, oath and drawings and the model or specimen when required; and the deposit of \$15. All explanations and writings must be in the English language. Applications are numbered in regular order as received at the Department, the present series running from January 1st, 1880. The application must be completed within two years from the first action having been taken thereon. The application, drawings, model, designs or specifications, &c., should come within one package to the Department at first, if possible, if not in such a manner as to easily connect everything clearly and correctly.

4.—The specification, means the description of the invention, so that any person skilled in the art or science to which it appertains could make, construct, compound and use the same; the language used should be simple, brief and expressive. The following order of arrangement should be observed in framing the specification:

1.—Preamble stating the name and residence of the applicant, and the title of the invention, and if the invention has been patented in any other country, the country or countries where so patented or patent applied for, and if patented, the number, date and place where and when issued.

2.—General statement of the object and nature of the invention.

3.—Brief description of the several views of the drawings (if the invention admits such illustration).

4.—Detailed description.

5.—Claim or claims.

6.—Signature of inventor.

7.—Signatures of two witnesses.

8.—Independent inventions, cannot be made under one application; each must be a distinct application, with all its drawings, &c.

9.—The specification and claims and all amendments must be plainly written or printed (preferred) on one side of paper, and interlineations and erasures avoided. Legal cap paper with lines numbered is preferable.

10.—The applicant, if the inventor, must make his oath or affirmation that he does verily believe himself to be the original and first inventor or discoverer of the art, machine, manufacture, composition, or improvement for which he solicits a patent, and that he does not know and does not believe that the same was ever before known or used, and shall state of what country he is a citizen and where he resides. Also if the applicant has patented in any other country, he must set forth the full particulars.

11.—The oath or affirmation may be made before any person within the United States authorized by law to administer oaths, or in a foreign country, before any Ambassador, minister, charge d'affaires, consul, or commercial agent holding commission under the government of the United States, or before any notary public of the foreign country. All persons administering such oath, must attest the same with the seal of his commission and office. All after amendments to the application, must in a likemanner be under oath as aforesaid.

5.—The drawings must be signed by inventor or by his attorney in fact, and attested by two witnesses, and must show every feature of the invention covered by the claims, and when the invention consists of an improvement on a machine, it must exhibit, in one or more views, the invention itself, disconnected from old structure, and also in another view, so much only of the old structure as will suffice to show the connection of the invention therewith.

1.—Three several editions of patent-drawings are printed and published, one for the office use, certified copies, &c., of the size and character of those attached to patents, the work being about 6x9½ inches; one reduced to half that scale, or one fourth the surface, of which four will be printed on a page to illustrate the volumes distributed to the courts; and one reduction—to about the same scale—of a selected portion of each drawing to illustrate the official Gazette.

2.—*Drawings* must be made on white paper of the thickness

of three-sheet Bristol board. India ink alone must be used, so as to make deep solid black lines.

3.—*The size of sheet* upon which drawing is made must be exactly 10 by 5 inches. One inch from its edges for marginal line.

4.—*Letters and figures* of reference must be carefully formed. The letters should (or figures) measure one-eighth of an inch.

5.—*Drawings* should be rolled for transmission to the office, not folded. No agents or attorney's stamp or advertisement, written or printed on any papers connected with the application will be permitted.

6.—The Department will furnish the drawings at cost, as promptly as its draftsmen can make them, for applicants who desire to so procure them.

6.—When models are required, the examination will not proceed until furnished. A model must clearly exhibit every feature which forms the subject of a claim of invention, and should not include other matter than that covered by the actual invention, unless necessary to the exhibition of the invention in a working model. The model should be neatly made of durable material, metal is deemed preferable; but when material forms an essential feature of the invention, it must be constructed of that requisite. The model must not be more than one foot in length, width or height, except by special permission from the Commissioner in cases of very complicated inventions. The name of the inventor should be permanently fixed upon the model. Working models are always preferred. Models belonging to patented cases will not be taken from the office except in the custody of a sworn employee of the department.

1.—When invention is composed of specimens, ingredients sufficient for experimental purposes, should accompany the application.

NOTE.—In the foregoing instructions we have only sought to give such information as will intelligently aid an intending applicant to what he requires to do and how to do it. The Patent Office regulations and laws, are a very large volume in itself, as can easily be imagined, dealing as they have to do with possibly a million of different inventions. What is contained in this guide, is a con-

densed abstract of general information upon the ordinary rules, in as comprehensive and practical a manner as possible; or in other words the knowledge of the proceeding that any person would seek and require having in contemplation to use it, picked out and printed in a nutshell. Where difficult inquiries arise, or complicated points in the patent laws, and the laws of appeals from the Commissioner's decisions, in case of rejection or otherwise, the only safe and proper plan, is to entrust the same to a competent patent lawyer, who will, if applied to in the right time, preserve the rights of many inventors, before they are deprived of the just rewards of their genius; it is like sending for a physician when the fever has exhausted the vitality of the victim, as waiting too long for righting wrongs about patents. Start right, work right, and do your part with all your determination of success, if you do it at all. (Author).

PATENTS OF INVENTION.

RULES, REGULATIONS AND FORMS OF THE CANADIAN PATENT OFFICE.

1.—A personal appearance of the applicant or his representative at the Patent office is not required, unless specially called for by the commissioner or deputy commissioner.

2.—In all cases the applicant or depositor of any paper is responsible for the merits of his allegations and the validity of the instruments furnished by him or his agent.

3.—Correspondence may be carried on either with the applicant or his agent, but only with one person, and will be conveyed through the Canadian mails free of charge.

4.—All documents must be legibly and neatly written or printed on foolscap paper (13 inches long and 8 wide) with an inner margin of one inch and a half wide.

5.—All communications are to be addressed—"THE COMMISSIONER OF PATENTS, OTTAWA, CANADA." Papers forwarded to the office should be accompanied by a letter, and a separate letter should be written on every subject.

6.—As regards proceedings not specially provided for in the accompanying forms, any other form being conformable to the let-

ter and spirit of the law may be accepted, and if not conformable therewith will be returned for correction.

7.—*Models* must be neat and substantial working ones, not exceeding 12 inches on the longest side, unless otherwise allowed by special permission; models must be so constructed as to show exactly every part of the invention claimed and its mode of working. In cases where samples of ingredients are required by law, they must be contained in glass bottles properly arranged, but dangerous or explosive substances must not be sent. Both models and bottles must bear the name of the inventor, the title of the invention, and the date of the application; they must be furnished to the Patent Office free of charges and in good order.

8.—*All fees* required by law should be transmitted with the application for any action by the office, in current bankable funds, inclosed in registered letters. Bank drafts, money orders, and checks, which must be certified, should be made payable to "Commissioner of Patents, Ottawa." (In no case should money be inclosed with models).

9.—An application for patent must be proceeded with and perfected within two years after the lodging of the petition, in default of which it will be regarded as abandoned, as well as all proceedings had in relation thereto, and any fees paid will be held at the expiration of that period to be forfeited.

10.—Two or more separate inventions can not be claimed in one application, nor included in one patent. But if separate matters are represented to be dependant on, and connected with each other as to be necessarily taken together, to obtain the end sought for by the inventor, the Commissioner of Patents shall be the judge whether or not the pretensions of the applicant in such respect can be entertained.

11.—The filing of a protest against the issuing of a patent shall not be taken in itself as sufficient reason to withhold the granting of such patent to an applicant.

12.—*A caveat* can only be filed by an inventor, and shall be composed of a specification (and drawings), certified on oath; and the applicant may, while it is pending, lodge additional papers, provided they relate exclusively to the same invention. The person fil-

ing a caveat will not be entitled to notice of any application pending at the time of filing his caveat. A caveat must be limited to a single invention.

The specification of a caveat should be sufficiently precise to enable the office to judge whether there is a probable interference when a subsequent application is filed.

13.—Drawings in duplicate to be attached to the duplicate specification must be made in India or carbon ink, on sheets of tracing linen (eight by thirteen inches), neatly executed and without colors.

All drawings must be clear, sharp, well-defined, and not too fine.

Lines that are pale, ashy, very fine, ragged or rotten, give bad results when photo-lithographed.

Brush-shading, tinting, and imitation surface graining, should never be used; and in fine shading the result should be attained with as few lines as possible.

Section lines also should be as open in their spacing as the case will admit of, and these, as well as all right lines, in order to insure clearness, should be made concave surfaces with a ruling pen. The shading of convex and concave surfaces may be dispensed with when the invention is otherwise well illustrated.

Shade lines may sometimes be used with good effect, but heavy shadows where they would obscure lines or letters of references, should be avoided.

With each application an extra drawing must be supplied for the Patent Office Record, on a sheet of Bristol board 8 by 13 inches; without writing on its face, merely the usual lettering; no title, certificate nor signatures; on the back of the sheet the name of the inventor and the title of the invention must be written in pencil.

Where several figures are furnished, any one figure which will best give a general idea of the invention will be sufficient.

The card board to be used must have smooth or calender surface; a sheet of "double thick Bristol board" or "Whatman's drawing paper" is recommended.

The card board drawing should be rolled on a roller for transmission to the office, as folding will prevent its usefulness for photo-lithographing.

A sample card board drawing will be furnished on application.

14.—In the matter of re-issue, under the act, whatever is really embraced in the original application and so described or shown in the same, that it might have been embraced in the original patent, may be ground for re-issue. No new matter can be introduced into the specifications, nor shall the models or drawings be amended except by the other. In the absence of model or drawing, the re-issue may contain amendments which were part of the invention. Separate patents may issue for each distinct part of the invention, comprehended in the original patent.

15.—Information in relation to pending cases will be furnished only so far as it becomes necessary in conducting the business of the office.

16.—The office can not respond to inquiries as to the probability of an alleged invention being patented in advance of an application for patent; nor can inquiries founded on brief or imperfect descriptions, propounded with a view of ascertaining whether alleged improvements have been patented, nor unless the name of the patentee and, as nearly as possible the date of the patent, be given; nor can it act as an expounder of the Patent Law, nor as counselor for individuals, except as to questions within the office.

In order to avoid unnecessary explanations and useless loss of time and labor, it is particularly recommended that reference be made to the law before writing on any subject to the patent office.

A copy of the rules with a particular section marked, sent to any person making inquiry, will be deemed a sufficient answer by the office.

17.—It is desirable, in the interest both of the applicant and of the public service, that the papers and drawing should be prepared by competent persons, as despatch and regularity in the proceedings will thereby be promoted.

18.—All business with the office must be transmitted in writing. The action of the office will be based exclusively on the written record. No attention will be paid to any alleged verbal promise or understanding in relation to which there is any disagreement or doubt.

19.—*Assignments of patents* are to be accompanied by a copy thereof; the original will be kept in the Patent Office and the copy will be returned to the person sending it, with a certificate of registration thereon.

20.—All cases connected with the intricate and multifarious proceedings arising from the working of the Patent Office, which are not specially defined and provided for in these rules, will be decided in accordance with the merits of each case under the authority of the Commissioner; and such decision will be communicated to the interested parties in writing.

NOTE.—There is no appeal from the decision of the Commissioner of Patents. An investigation can be prosecuted by application to the Minister of Justice, and testimony taken upon the complaint, and if it is sufficient to warrant a re-examination by the Commissioner of Patents, it will be referred back to him with whatever recommendations the judicial committee find warrantable.

APPENDIX OF FORMS.

Petitions. Form I. By sole inventor.

To the Commissioner of Patents, Ottawa, Canada.

The petition of John Smith, of the town of Meaford, in the county of Grey, and Province of Ontario, carpenter, sheweth: That he hath invented new and useful improvements in machines for breaking stones, not known or used by others before his invention thereof, and not being in public use or on sale with his consent or allowance as such inventor, for more than one year previous to his application for a patent thereof in Canada.

Your petitioner therefore prays that a patent may be granted to him for the said invention, as set forth in the specification in duplicate relating thereto, and, for the purposes of the Patent Act, your petitioner elects his domicile in the town of Picton, in the county of Prince Edward, in the Province of Ontario.

JOHN SMITH, Applicant.

Meaford, 1st January, 1889.

LAWS AND REGULATIONS RESPECTING TRADE MARKS OF UNITED STATES.

Be it Enacted, &c.,—That owners of trade-marks used in commerce with foreign nations or with Indian tribes, provided such owners shall be domiciled in the United States or located in any foreign country or tribes, which, by treaty, convention or law, affords similar privileges to citizens of the United States, may obtain registration of such trade-marks by complying with the following requirements:

First.—By causing to be recorded in the Patent Office a statement specifying name, domicile, location, and citizenship of the party applying; the class of merchandise, and the particular description of goods comprised in such class to which the particular trade-mark has been appropriated; a description of the trade-mark itself, with fac-similes thereof, and a statement of the mode in which the same is applied and affixed to goods, and the length of time in which the trade-mark has been used.

Second.—The fee is \$25, and such regulations as may be prescribed by the Commissioner of Patents.

SEC. 2.—The application for registration of trade-mark, as aforesaid, must be accompanied by a written declaration, setting forth: that such party has at the time a right to the use of the trade-mark sought to be registered, that no other person, firm or corporation has the right to such use, either in the identical form or any other resemblance thereto as might be calculated to deceive; that such trade mark is used in commerce with foreign nations or Indian tribes, as above indicated; and that the descriptions and fac-similes presented for registry truly represent the trade-mark sought to be registered.

SEC. 3.—Provides for the registration by the Commissioner of Patents, and his powers to decide on claims between an applicant as previous registrant, or between two applicants, he shall follow, so far as the same may be applicable, the practice of courts of equity of the United States.

SEC. 4.—Certificate of registry of trade-marks shall be issued in the name of the United States of America, under the seal of the Department of Interior, and shall be signed by the Commissioner of Patents.

SEC. 5.—Provides that a certificate of registry shall remain in force *thirty years*, and that at any time during the six months prior to its expiration, may be renewed for a like period.

SEC. 6.—Stipulates a liability and right of the injured person, for the fraudulent use of a duly registered trade-mark.

SECTION 2496 of the R. S. of the U. S. A. respecting foreign counterfeits of watch trade-marks, as follows:—No watches, watch-cases, watch-movements, or parts of watch-movements, or any other articles of foreign manufacture, which shall copy or simulate the name or trade-mark of any domestic manufacture, (manufacturer) shall be admitted to entry at the custom-house of the United States, unless such domestic manufacturer is the importer of the same. And in order to aid the officers of the customs in enforcing this prohibition, any domestic manufacturer who has adopted trade-marks may require his name and residence and a description of his trade-marks to be recorded in books which shall be kept for that purpose in the department of the Treasury, under such regulations as the Secretary of the Treasury shall prescribe, and may furnish to the Department fac similes of such trade-marks; and thereupon the Secretary of the Treasury shall cause one or more copies of the same to be transmitted to each collector or other proper officer of the customs.

RULES AND FORMS RESPECTING THE APPLICATION FOR TRADE-MARKS IN
THE DOMINION OF CANADA.

General Rules.

I. There is no necessity for any personal appearance at the Department of Agriculture, unless specially called for by order of the Minister or the Deputy, every transaction being carried on by writing.

II. In every case the applicant or depositor of any paper is responsible for the merits of his allegations and of the validity of the instruments furnished by him or his agent.

III. The correspondence is carried on with the applicant or with his agent who has remitted or transmitted the papers to the office, but with one person only.

IV. All papers are to be clearly and neatly written on foolscap

paper, and every word of them is to be distinctly legible, in order that no difficulty should be met with in the taking cognizance of, and in the registration and copying of the same.

V. All communications to be addressed in the following words :
—TO THE MINISTER OF AGRICULTURE (TRADE MARK DEPARTMENT),
OTTAWA, CANADA.

VI. As regards proceedings not specially provided for in the following forms, any form being conformable to the letter and spirit of the law will be accepted, and if not so conformable will be returned for amendment or correction.

VII. A copy of the Act and the Rules with a particular section marked, sent to any person, is intended for an answer.

VIII. An application for the registration of a *General Trade Mark* shall be made in duplicate after the following manner :

To the Minister of Agriculture, (Trade Mark and Copyright Department,) Ottawa, Canada.

I, (name of person) of the (city, town, or other locality, as the case may be), in (name of county, province or state, as the case may be), hereby furnish a duplicate copy of a general trade mark, in compliance with sections 4 and 9 of "The Trade Mark Act," (section 4, reads : "A trade mark may be general or specific, according to the use to which it is applied or intended to be applied by the proprietor thereof." Section 9, reads : "Every proprietor of a trade mark who applies for its registration shall state in his application whether the said trade mark is intended to be used as a general trade mark or as a specific trade mark,") which I verily believe is mine, on account of having been the first to make use of the same, (or on account of having acquired it from, naming the person, to whom I verily believe to be the original proprietor thereof.)

The said general trade mark consists (here must be inserted a description of the trade mark, recital of the motto or mottoes, &c., &c., in order to explain the pattern furnished), and I hereby request the said general trade mark to be registered in accordance with law.

I forward herewith, the fee of \$30, in accordance with section 10. (Section 10 provides a fee for general trade mark to be charged of \$30 ; a specific trade mark, \$25 ; renewal of specific trade mark

\$20 ; for copy of certificate, \$1 ; for recording an assignment, \$2 ; for copies of documents asked from Department respecting any trade mark, 50 cents a 100 words), of the said act.

In testimony thereof, I have signed in the presence of the two undersigned witnesses, at the place and date hereunder mentioned. (Place and date).

(Signature of the proprietor).

Signature of the two witnesses.

IX. An application for the registration of a specific trade mark shall be made in duplicate after the following form :

*To the Minister of Agriculture, (Trade Mark Department),
Ottawa, Canada.*

I, (name of person), of the (city, town, or other locality, as the case may be), in (name of county, province or state, as the case may be), hereby furnish a duplicate copy of a specific case trade mark, to be applied to the sale of (description of the class of merchandise), in accordance with sections 4, and 9, of "The Trade Mark and Design Act," (referred to in section VIII), which I verily believe is mine, on account of having been the first to make use of the same, (or on account of having acquired it from, naming the person, whom I verily believe to be the original proprietor thereof).

The said specific trade mark consists (here must be inserted a description of the trade mark, recited in order, and the motto or mottoes, in order to explain the pattern furnished), and I hereby request the said specific trade mark to be registered in accordance with the law.

I forward herewith the fee of \$25 in accordance with section 10, of said act.

In testimony thereof, I have signed, in the presence of the two undersigned witnesses, at the place and date hereunder mentioned. (Place and date).

(Signature of the proprietor).

Signature of the two witnesses.

X. An application for the registration of an Industrial Design shall be made in duplicate, after the following form :

To the Minister of Agriculture, (Trade Mark and Design Branch), Ottawa, Canada.

I, (name of the person), being a resident of Canada, and now residing in the (city, town or other locality, as the case may be), in the (name of the Province, as the case may be), hereby declare that I am the proprietor of the Industrial Design, of which duplicate copies are herewith forwarded, and which consists (here insert a description of the design, and an explanation of its use), and I hereby request that the said Industrial Design be registered in accordance with the law.

I forward herewith the fee of \$5, in accordance with section 26, of the "Trade Mark and Design Act." (Section 26 specifies a fee of \$5 for such designs; for extension of time, \$2; fee for certificate, \$1; fee for recording assignment, \$2; and 50 cents a 100 words for reports of designs).

In testimony thereof, I have signed, in presence of the two undersigned witnesses, at the place and date hereunder mentioned. (Place and date).

(Signature of the Proprietor.

Signature of the two witnesses.

XI. An application for the registration of a timber mark or marks shall be made in duplicate after the following form :

To the Minister of Agriculture, (Trade Mark and Copyright Branch), Ottawa, Canada.

I, (name of persons or firm), of (residence), engaged in the business of lumbering, (or getting out timber and floating or rafting the same), within the Provinces of Quebec and Ontario, hereby request the registration of the accompanying timber mark (or marks), which I (name of person or firm), declare was not in use, to my knowledge, by any other person than myself at the time of my adoption thereof, and of which the following are a description and drawing (or impressions), in duplicate.

I herewith forward the fee of \$2, required by "an act respecting the marking of timber."

In testimony thereof, I have signed the application in the presence of the two undersigned witnesses at the place and date hereunder mentioned.

(Place and date).

(Signature of the Proprietor).

Signature of the two witnesses.

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PART IV.—CHAP. III.

GENERAL PROVISIONS OF PARTNERSHIP LAWS.

Partnerships may consist of one or more persons who shall be called general partners, and who shall jointly and severally be responsible, as general partners now are by law, and of one or more persons who shall contribute to the common stock a specific sum in actual cash payment, as capital, and who shall be called special partners, and shall not be personally liable for any debts of the partnership, except in such cases as is hereinafter mentioned. The persons forming such partnerships shall make and severally sign a certificate, which shall contain the names, both Christian and surname, and respective places of residence of all the general and special partners, distinguishing who are the general and who are the special partners, the amount of capital which each special partner contributed to the concern, the general nature of the business to be transacted, and the time when the partnership is to commence and when it is to terminate. No such partnership shall be deemed to have been formed until a certificate, made as aforesaid, shall be acknowledged, by all the partners, before some justice of the peace, and recorded in the office of the recorder of the county in which the principal place of business of the partnership is situated, in a book to be kept for that purpose, open to public inspection. If the partnership shall have places of business situated in different counties, a copy of the certificate, certified by the recorder in whose office it shall have been recorded, shall be filed and recorded in like manner in the office of the recorder in every such county. If any false statement shall be made in any such certificate, all the persons interested in the partnership shall be liable, as general partners, for all the engagements thereof. The partners shall for at least six consecutive weeks immediately after such registry, publish a copy of the certificate above mentioned in a newspaper printed in the county where their principal place of business is situated; and if no such paper be there printed, then in a newspaper printed within the State or province nearest thereto. In case such publication be not so made the partnership shall be deemed a general partnership.

Renewals and continuations of a limited partnership beyond the time originally agreed upon for its duration, a certificate thereof shall be made, acknowledged, recorded, and published, in like manner as is provided in the preceding sections for the original formation of limited partnerships; and every such partnership which shall not be renewed in conformity with the provisions of this section shall be deemed a general partnership. The business of the partnership shall be conducted under the firm name contained in the certificate provided for as aforesaid, which firm name shall in no case contain the name of any special partner, and the general partners only shall transact business; and if the name of any special partner shall be used in such firm with his consent and privity, or if he shall personally make any contract respecting the concerns of the partnership with any person except the general partners, he shall be deemed and treated as a general partner. During the continuance of any partnership under the provisions as aforesaid, no capital stock thereof shall be withdrawn, nor any division of interest or profits be made so as to reduce such capital stock below the sum stated in the certificate before mentioned; and if, at any time during the continuance, or at the termination of the partnership, the property or assets shall not be sufficient to pay the partnership debts, then the special partners shall severally be held responsible for all sums by them in any way received, withdrawn, or divided, with interest thereon from the time when they were so withdrawn respectively. No general assignment by said partnership, in case of insolvency, or where their goods and estate are insufficient for payment of all their debts, shall be valid, unless it shall provide for a distribution of the partnership property among all the creditors in proportion to the amount of their several claims. In case of an assignment as aforesaid, the assent of the creditors shall be presumed, unless within sixty days after notice thereof, they shall dissent; and no such assignment shall be valid unless notice thereof shall be given in some newspaper printed in the county where the place of business of the party making it is situated (or, if no newspaper be printed in such county, then in some newspaper printed within the state or the province, nearest thereto) within fourteen days after the making of such assignment. All suits respecting the business of such partnership shall be prose-

cuted by and against the general partners only, except in those cases in which provision is made as aforesaid, that the special partners shall be deemed general partners and that special partnership shall be voided by acts and noncompliance with the law ; in which cases all the partners deemed general partners shall join or be joined in such suits ; and excepting, also, those cases where special partners shall be held severally responsible on account of any sums by them received or withdrawn from the common and original capital account as hereinbefore provided. No dissolution of a limited partnership shall take place, except by operation of law, before the time specified in the certificate above mentioned, unless a notice of such dissolution shall be recorded in the Recorder's office in which the original certificates or the certificate (as the case may be) of renewal or continuation of the partnership was recorded, and unless such notice shall also be published for six weeks, in some newspaper printed in the county where the certificate of formation of such partnership was published according to the conditions hereinbefore set forth ; but if no newspaper shall, at the time of such dissolution, be printed in such county, then as in the original cases in the state or province nearest thereto.

The *Closing up of Business* in case of death of one of the partnership, is one of the very important provisions in a carefully drawn up co partnership deed ; it should provide for a speedy and practicable settlement by the surviving partners. The usual practice is that the surviving partners, within sixty days after such death shall proceed to make a full, true, and complete inventory of the estate, goods, chattles, rights, credits, moneys, and effects within his or their knowledge, and shall cause the same to be appraised by two competent freeholders or landlords of the neighborhood, one of whom shall be selected by the surviving partner or partners, and the other by the Clerk of the Court having probate jurisdiction, making a full and complete schedule thereof ; which said schedule and appraisement shall be sworn to by said appraisers before the Clerk of such Court, specifying that the property described in said schedule is appraised at its true cash value ; which schedule shall by said appraisers be filed in the office of the Clerk of the Court having probate jurisdiction, immediately after the completion thereof. It is the duty of such surviving partner or

partners, immediately upon the filing of such schedule of appraisement, to file with the Clerk of the Court having probate jurisdiction, his or their affidavit that the schedule filed by said appraisers contains a full, true, and complete list of all the liabilities of said firm at the time of the death of said deceased partner: to which said list of liabilities said surviving partner or partners shall also append his or their affidavits testifying to the correctness thereof. Upon the filing of the inventory, appraisement, and list of liabilities, as before mentioned, such surviving partner or partners shall execute a bond, payable to the state or province, in the sum of double the amount of the interest of said decedent, as shown by said inventory, appraisement, and list of liabilities on file, conditioned for the faithful performance of his or their trust, signed at least by two good and sufficient freehold sureties, to be approved by the Clerk of the Court. If such surviving partner or partners shall fail to file such bond within the number of days usually allowed in general cases of a similar kind in the state or province, the Judge of the Court having probate jurisdiction shall appoint a receiver to take charge of the assets of such firm, who shall proceed to settle the same as though a voluntary assignment of the assets of said firm had been made for the benefit of creditors. If such surviving partner or partners shall fail to file such inventory, appraisement and list of liabilities as first stated in this winding up process, or shall fail or refuse to take upon him or themselves the settlement of the business of such firm, the Judge of the Court having probate jurisdiction, upon petition filed by any one interested in the settlement of such partnership, who shall proceed to settle the same as though a voluntary assignment for the benefits of the creditors had been made by the surviving partner or partners of such firm. Any person interested in the settlement of such partnership business may file a petition in the Court having probate jurisdiction, to have a receiver appointed to settle the same, and shall give the surviving partner or partners at least ten days' notice of the time of hearing and the place of such hearing, in the said petition; and if, upon the hearing thereof, the Judge of such Court shall be convinced that such partnership business is not being properly settled, or that the assets of such firm are being wasted, he shall appoint a receiver to settle the same, as heretofore provided for in the foregoing instructions.

Upon the settlement of such partnership business, the surviving partner or partners shall report the same to the proper Court, and pay the surplus belonging to such deceased partner into Court, to be paid out, on the order of the Probate Judge to such person or persons as the Court may have found entitled to the same by law. Such surviving partner or partners shall settle such partnership business within two years, usually from the filing of such inventory and appraisement, unless the Court, for good cause shown, shall grant a longer time. Upon the final winding up as aforesaid, the bondsmen upon application to the Probate Court Judge may have their bonds cancelled.

The foregoing instructions if carefully followed, explains the universal proceedings of co-partnerships; in some states and in the provinces, slight variations in minute details may appear, but the substantial legal embodiments, are contained strong enough to practically need little or no change. We have after great research and comparison of this co-partnership law, as in effect in the different states of the United States, and in the different provinces of Canada, found so little difference, as convinced us of the utility of embracing under a general line as in the foregoing, the legal and proper proceedings, to be adopted in any state or territory, or of the provinces, upon which it is calculated to treat.

PART V.—CHAP. III.

LANDLORD AND TENANT.—THE GENERAL LAW BEARING UPON THE RIGHTS OF BOTH.

ESTATES AT WILL.—Estates at will may be determined by one month's notice, in writing, delivered to the tenant.

TENANCIES AT WILL, AND FROM YEAR TO YEAR.—A tenancy at will can not arise or be created without an express contract; and all general tenancies, in which the premises are occupied by the consent, either express or implied, of the landlord, shall be deemed tenancies from year to year.

NOTICE TO DETERMINE TENANCIES FROM YEAR TO YEAR.—All tenancies from year to year may be determined by at least three months' notice given to the tenant prior to the expiration of the year; and in all tenancies which, by agreement of the parties, express or implied, are from one period to another, of less than three months duration, a notice equal to the interval between such periods shall be sufficient.

FORM OF NOTICE.—May be used in case of a tenancy from year to year.

Rochester, Monroe Co., New York, Jan. 5th, 1889.

To *William Brown*.—You are hereby notified to deliver up to me, at the expiration of the current year of your tenancy, which expires the 12th day of April next, the possession of the 354 East Main St., in this city, (or as the case may be the north half of lot 24, in the 3rd range, &c., if a farm), now held by you from me as tenant.

ELIJAH ROLAND.

NON-PAYMENT OF RENT NOTICE.—If a tenant refuse or neglects to pay rent when due, ten days (unless provided by special provision between the landlord and tenant, in the body of the lease, or in

writing if the lease is not written), notice to quit shall determine the lease, when not complied with. The following form of notice or something similar is sufficient :

Burlington, Vt., February 6th, 1889.

To *Richard Dales* :—I hereby give you notice to deliver up to me at the expiration of ten days from the time of being served with this notice, or pay to me the rent due, the possession of the premises now occupied by you, namely : Lot numbered 10 on Market St., in the city of Burlington, and county of Chittenden, and State of Vermont.

JOHN SINK.

PLACE OF PAYMENT.—Where it is not fixed by agreement, the landlord or his agent, must demand the same on the premises just before sunset on the day specified.

CANNOT CUT TREES.—Unless expressly authorized the tenant cannot cut trees upon land, except for necessary firewood.

MAKING REPAIRS.—A covenant is never implied that the lessor will make any repairs. In the absence of a covenant to repair, the tenant must pay rent although the building be destroyed by fire, unless the demise is part only of the whole building. The tenant is not answerable, in the absence of express agreement, for the accidental destruction of the premises by fire. If a landlord leases a part of a tenement or building for dangerous uses, he becomes liable to the other tenants for any damages that may at any time occur to them thereby.

WHEN NOTICE TO QUIT IS UNNECESSARY.—Where the landlord agrees with the tenant to rent the premises to him for a specified term, and where it is agreed at the time that the contract will then cease ; where a tenant at will commits waste ; or in case of a tenant at sufferance ; or where, by the express terms of the contract the rent is payable in advance, and where the tenant has entered, and refuses or neglects to pay rent.

NOTICE, HOW SERVED.—Notice, as required in any of the preceding questions, may be served on the tenant, or if he cannot be found, by delivering the same to some person of proper age and discretion, residing on the premises, having first made known to such per-

son the contents thereof ; and if no such person can be found on the premises, then by affixing a copy of such notice to a conspicuous part of said premises.

CONVEYANCE WITHOUT ATTORNMENT.—Payment of rent by the tenant to the grantor, at any time before notice of sale given to said tenant, shall be good against the grantee. The conveyance of the estate by landlord without the attornment of tenant is valid.

OCCUPANTS LIABLE FOR RENT.—The occupant, without special contract, and not sufficiently long enough to take advantage of the squatters' right under the statutes of limitation to recovery of possession, of any lands, shall be liable for rent to any person entitled thereto. A person taking possession under a voidable contract of purchase, is liable for rent.

LANDLORD'S LIEN FOR RENT.—In all cases where a tenant agrees to pay, as rent, a part of crop raised on the leased premises, or rent in kind, or a cash rent, the landlord shall have a lien on the crop raised under such contract, for the payment of such rent ; which lien, if the tenant refuse or neglect to pay or to deliver to the landlord such rent when due, may be enforced by sale of such crop, in the same manner as the lien of a bill of sale or chattle mortgage containing a power to sell.

EJECTMENTS AND SEIZURES.—No landlord between the hours of sunrise and sunset, shall by himself or his duly authorized bailiff, forcibly enter upon the premises of any tenant, or otherwise make distraint for rent. *The process of attachment for rent due*, lies under the common laws and customs everywhere ; but the right to sell the same is only permitted under the laws of some states and in the provinces of Canada. The practice and law is to bring suit and prove the legality and justice of the debt, as in any other cause. But where a lease exists and the landlord has fulfilled his covenants, the debt is as *defenseless* as a promissory note, " for value received."

PART VI.—CHAP. III.

MASTER AND SERVANT.

The word servant, is a generic term, embracing slaves; but where slavery does not exist, a servant is one who by contract has bound himself (or herself as the case may be) to render service to another, who in respect to the subject matter of the contract is his master. The contract hiring may be verbal or in writing; if it be for more than a year, it must be in writing, or it will be valid only so far as the parties have acted under it. When the time of service is fixed, neither party has the right to terminate it, except for good and sufficient cause. The servant must obey all proper directions in respect to the service, attend faithfully to his duties, and be guilty of no grossly immoral or indecent behavior. *Leaving without sufficient cause*:—The penalty for leaving without sufficient cause, or if the master shall wrongfully discharge him, is the payment of such damages as the other party can show he sustained. Where a wrongful act is done by a servant by direction of the master, or in his presence, so that his consent can be fairly implied, or as a natural or probable result of directions given by the master, or in the exercise of a discretion which the master has given, the master is answerable in damages to the person injured. If a servant steps aside from his duty to commit an intentional wrong, he alone is liable therefor. But if a railroad conductor should in defiance of his orders, and wilfully and wantonly inflict an injury upon a passenger, the company would be liable, *because it was its duty to see that the conductor, placed and intrusted to fulfil their contract of carrying that passenger, was not intrusted to those who would negligently or purposely violate it.*

These rules of liability on the part of the master do not apply in favor of a servant who is injured by the carelessness or negligence of a co-servant, unless he can show that the servant causing the injury was incompetent or an unfit person to be engaged in such employment, and that the master knew it when he employed him. One who entices a servant away before his time of service has expired, or who injures him so that he cannot labor, or who seduces a female servant, is liable to the master of such servant for damages.

LAW OF APPRENTICESHIP.

APPRENTICE, a person bound to service for a term of years, and receiving in return instruction in his master's business. Apprenticeship had its origin in the system of associated trades which prevailed in Europe in the middle ages. It was the mode of acquiring freedom under the law to exercise a trade, but exists at present chiefly as a convenient means of acquiring knowledge of one. Apprenticeships are first noticed in the English statutes in 1388. The London apprentices figured as an important body during civil wars. Their term of service was seven years. Early in the present century apprenticeships, as a necessary means of access to a trade, was abolished. In almost all the United States and in each Province of Canada, the contract is provided for by statute. In some of the States it is regulated by the agreement between the parties, confirmed by the parent or guardian of the apprentice, the time being sometimes a rule and custom, but more generally the attainment of efficiency. New York State by statute of 1871, the term of apprenticeship must be not less than *three* or more than *five years*. In other states the statutes limit the time and stipulates the hours of service, the education periods in each year in the common schools, etc. But in no state does the law bind the apprentice to serve longer than the years of his majority.

IN RESPECT TO APPRENTICESHIPS GENERALLY:—It has been held that the indenture cannot be assigned by the master, unless with the infant's consent or under the sanction of well settled usage. The apprentice cannot abandon his service unless his master deserts him. The master cannot turn away the apprentice for ordinary misbehavior, such as idleness or drunkenness; and if the apprentice is ill, the master is bound to provide proper care and medicines. The employer may maintain an action for the value of his apprentice's services against anyone who entices him away, or wilfully harbors him after his desertion, with knowledge of his desertion and his apprenticeship. The obligation of the apprentice is dissolved by the death of his master or insolvency. Dissolved by discharge without cause, entitles the apprentice to wages for the entire time of his apprenticeship, served and to be served. Marriage of a female apprentice annuls her obligations.

PART VII.—CHAP. III.

EXTRADITION OF FUGITIVE FELONS BETWEEN THE UNITED STATES AND CANADA.

An act respecting the treaty between Great Britain and the United States of America for the apprehension and surrender of certain offenders.

The act recites the treaty signed at Washington on the 9th day of August, 1842, and ratifications exchanged at London on the 30th of October the same year, and then enacts :—

(1) As amended by subsequent statute, 24, V. C. 6, that upon complaint made under oath or affirmation, charging any person found within the limits of the provinces (now Dominion of Canada) of Canada with having committed within the jurisdiction of the United States of America, with any of the crimes herein enumerated, viz:—the crime of murder, or assault to commit murder, piracy, arson, robbery, forgery or the utterance of forged paper, it shall be lawful for any judge of the Supreme Courts in the Provinces, or any County Court judge or any recorder of a city, or police magistrate, or stipendary magistrate, to issue his warrant for the apprehension of the person so charged, that he may be brought before such judge or other officer, and upon being brought before him, under the said warrant, it shall be lawful for such judge or other officer to examine upon oath any person or persons touching the truth of such charge; and upon such evidence as, according to the laws of the Provinces, would justify the apprehension and committal for trial of the person so accused, if the crime of which he shall be so accused had been committed herein, it shall be lawful for such judge or other officer to issue his warrant for the commitment of the person so charged to the proper gaol, there to remain until surrendered according to stipulation of said treaty, or until discharged according to law; and the said judge or other officer shall thereupon forthwith transmit or deliver to the Executive at the seat of government all the testimony taken before him, that a warrant may issue upon the requisition of the United States for the surrender of such person, pursuant to the said treaty.

2. (An amendment to the foregoing statute.) In every case of complaint as aforesaid, and of a hearing upon the return of the warrant of arrest, copies of the depositions upon which the original warrant may have been granted in the United States, (according to the laws of the different states) certified under the hand of the person or persons issuing such warrant, and attested upon oath of the party producing them, to be true copies of the original depositions, may be received in evidence of the criminality of the person so apprehended.

3. (As further amended by Act of Parliament.) It shall be lawful for the Governor General, upon a requisition made as aforesaid by the United States, by warrant under his seal to order the person so committed to be delivered to the person or persons authorized to receive such person in the name and on the behalf of the United States, to be tried for the crime of which such person stands accused; and such person shall be delivered up accordingly; and the person or persons authorized as aforesaid may hold such person in custody, and take him to the states or territories of the United States, pursuant to the said treaty; and if the person so accused escapes out of any custody to which he stands committed, or to which he has been delivered as aforesaid, such person may be retaken in the same manner as any person accused of any crime against the laws of this Province, may be taken upon escape in a like manner.

4. (As further amended.) Provides that any person so arrested, if not delivered up within two months after such commitment, any of the judges of the Superior Courts having power to grant writs of *habeas corpus*, upon application made and proof given of notice to the Secretary of State, may order such person to be discharged out of custody, unless sufficient cause be shown to the contrary.

THE WELDON EXTRADITION ACT OF 1889.

An act to extend the provisions of the Extradition Act.

Whereas, it is expedient to make further provision for the extradition from Canada of fugitive offenders from foreign states: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. In case no extradition arrangement, within the meaning of

"*The Extradition Act*," exists between Her Majesty and a foreign state, or in case such an extradition arrangement, extending to Canada, exists between Her Majesty and a foreign state, but does not include the crimes mentioned in the schedule to this act, it shall, nevertheless, be lawful for the Minister of Justice to issue his warrant for the surrender to such foreign state of any fugitive offender from such foreign state charged with or convicted of any of the crimes mentioned in the schedule to this act: Provided, always, that the arrest, committal, detention, surrender and conveyance out of Canada of such fugitive offender shall be governed by the provisions of "*The Extradition Act*," and that all the provisions of the said act shall apply to all steps and proceedings in relation to such arrest, committal, detention, surrender and conveyance out of Canada, in the same manner and to the same extent as they would apply if the said crimes were included and specified in an extradition arrangement between Her Majesty and the foreign state, extending to Canada.

2. All expenses connected with the arrest, committal, detention, surrender and conveyance out of Canada of any fugitive offender under this act shall be borne by the foreign state applying for the surrender of such fugitive offender.

3. The list of crimes in the schedule to this act shall be construed according to the law existing in Canada at the date of the commission of the alleged crime, whether by common law or by statute made before or after the coming into force of this act, and as including only such crimes, of the description comprised in the list, as are, under that law, indictable offences.

2. The provisions of this act shall apply to any crime mentioned in the said schedule, committed after the coming into force of this act, as regards any foreign state as hereinafter provided.

4. The foregoing provisions of this act shall not come into force with respect to fugitive offenders from any foreign state until this act shall have been declared by proclamation of the Governor General to be in force and effect as regards such foreign state, from and after a day to be named in such Proclamation; and the provisions of this act shall cease to have any force or effect with respect to fugitive offenders from any foreign state, if by proclama-

tion the Governor General declares this act to be no longer in operation as regards such foreign state.

2. The day from and after which, in such case, the provisions of this act shall cease to have force and effect shall be a day to be named in such proclamation.

5. This act shall not authorize the issue of a warrant for the extradition of any person under the provisions of this statute, to any state or country in which by the law in force in such state or country, such person may be tried after such extradition for any other offence than that for which he has been extradited, unless an assurance shall first have been given by the executive authority of such state or country, that the person whose extradition has been claimed shall not be tried for any other offence than that on account of which such extradition has been claimed.

SCHEDULE.

(1) Murder, or attempt or conspiracy to murder; (2) manslaughter; (3) counterfeiting or altering money and uttering counterfeit or altered money; (4) forgery, counterfeiting or altering or uttering what is forged, counterfeited or altered; (5) larceny; (6) embezzlement; (7) obtaining money or goods or valuable securities by false pretences; (8) rape; (9) abduction; indecent assault; (10) child stealing; (11) kidnapping; (12) burglary, house-breaking or shop-breaking; (13) arson; (14) robbery; (15) fraud committed by a bailee, banker, agent, factor, trustee or member or public officer of any company or municipal corporation, made criminal by any law for the time being in force; (16) any malicious act done with intent to endanger persons in a railway train; (17) piracy by municipal law or law of nations, committed on board of or against a vessel of a foreign state; (18) criminal scuttling or destroying such a vessel at sea, whether on the high seas or on the great lakes of North America, or attempting or conspiring to do so; (19) assault on board such a vessel at sea, whether on the high seas or on the great lakes of North America, with intent to destroy life or to do grievous bodily harm; (20) revolt, or conspiracy to revolt, by two or more persons on board such a vessel at sea, whether on the high seas or on the great lakes of North America,

against the authority of the master; (21) administering drugs or using instruments with intent to procure the miscarriage of a woman; (22) any offence which is, in the case of the principal offender, included in any forgoing portion of this schedule, and for which the fugitive criminal though not the principal, is liable to be tried or punished as if he were the principal.

CHAPTER IV.

PART I.—The Marriage Laws as regulated by statutes in each State and Territory of the United States and in each Province in the Dominion of Canada. Where a license is required. Ages of capability to enter the contract with parents' consent or without. Where Marriage is regarded as a civil contract and where it is not. Who can perform the ceremony. Where living together as husband and wife constitutes a lawful marriage. **PART II.**—Married woman's separate rights respecting the ownership and disposition of property. Her liability for her husband or family debts. Debts antenuptial and otherwise that both husband and wife assume. **PART III.**—The Laws of Divorce; The causes for which decreed; The time action must be commenced, and its effect on property of both parties. **PART IV.**—Woman suffrage in United States and elsewhere.

PART I.—CHAP. IV.

MARRIAGE LAWS.

Alabama.—The State requires a marriage license. Males of the full age of 21 years, and females 18 years of age can lawfully enter the marriage contract without consent of parents or guardians; ministers of the gospel, justices of the peace, notaries of public, judges and justices of the courts, are authorized to solemnize marriage.

LIVING AS MAN AND WIFE does not constitute a marriage, recognized in any manner by law.

WHITES CANNOT INTERMARRY with any person having more than one-half colored blood by descent.

MARRIAGE DOES NOT LEGITIMIZE all children born in wedlock; If mother is *enceinte* at marriage, the husband can or may not recognize the issue; supporting the child and using his name completes its legitimacy in the eyes of the law.

PERSONS CANNOT MUTUALLY CONTRACT, except in the presence of a minister or other officer qualified to perform marriage, and two other witnesses, without a license.

REGISTRATION OF DEATHS, BIRTHS AND MARRIAGES shall be re-

ported to the Secretary of the State Board of Health by physicians, midwives and officers performing the marriage ceremony, within 30 days thereafter.

FIRST COUSINS can enter marriage in this State, but certain religious denominations refuse according to their church edicts, to perform the marriage.

Arkansas.—The State requires a marriage license; the County Clerk issues it; the fee is \$2.50.

AGES OF CAPABILITY :—Males 21 and females 18 can enter the marriage contract, if otherwise capable, without consent of their parents or guardians. Males 17 and females 14 with the consent of the father of either contracting party, at time of obtaining the license, are privileged.

WHO CAN SOLEMNIZE :—Marriages can be performed by all ministers of the gospel; judges of all the courts, justices of the peace and the governor of the State.

LIVING AS MAN AND WIFE has been held by the inferior courts as a lawful marriage; but is regarded as questionable law.

WHITES ARE NOT PROHIBITED to marry Indians, but the marriages of whites with negroes are void by the statutes of the State; it is regarded by experienced lawyers as unconstitutional.

REGISTRATION :—All marriages must be by a certificate of the officiating minister and the license be recorded with the County Clerk within sixty days thereafter.

MARRIAGE LEGITIMIZES all children born in wedlock or otherwise as set forth in the statutes as follows: "Sec. 2525.—If a man have by a woman a child or children and afterward shall intermarry with her, and shall recognize such children to be his offspring, they shall be deemed and considered as legitimate.

FIRST COUSINS cannot intermarry.

Arizona.—A marriage license is required; males 18 and females 16 can enter marriage vows, when the female obtains the consent of her parents or guardian; under these ages both require consent.

THE LAWS OF ALABAMA in other respects are followed, except that whites are prohibited to intermarry with Mongolians.

California.—A marriage license is required ; the clerk of the County Court issues it ; the fee is \$2.50.

AGE OF CONSENT:—Males must be 18 and females 15 years of age, and not prohibited by relationship. Without consent: male 21, female 18.

WHO CAN SOLEMNIZE MARRIAGES:—All ministers of the gospel and every recognized religious body according to their creeds, viz:—Rabbies, Quakers and Friends; justices of the peace; judges of the different Courts of Record.

MARRIAGE A CIVIL CONTRACT:—Where marriage by mutual agreement, apart from adultery, or compulsions arising therefrom, and assumption of martial rights and obligations; the laws of California regard it as full and sufficient.

FIRST COUSINS and intermarriage with Mongolians are prohibited.

REGISTRATION:—All marriages must be recorded within thirty days thereafter with clerk of County Court.

Colorado.—A marriage license is required the same as in California.

AGE OF CONSENT:—Males 14 years of age and females 12 years of age, with the consent of father of both contracting parties, or the mothers as the case may be. Without consent of parents: males 21, females 18.

INTERMARRIAGE of races is forbidden, if the blood by descent is more than half Indian, Mongolian or negro.

Connecticut:—Marriage licenses are required; the County Clerk issues them, the fee is \$1.

AGES OF CONSENT.—Males 14, females 12; no license can be obtained without the personal application of the male conjointly with his father or prospective father-in-law. Without consent, male 21, and female 21 years of age.

VOID MARRIAGES :—All marriages solemnized between persons of closer than cousins of second degree by blood or first degree by marriage law ; insane and idiotic persons ; under lawful age ; by force, and bigamy.

MARRIAGE LEGALIZES all children born in wedlock.

LIVING TOGETHER AS MAN AND WIFE does not constitute a lawful marriage.

MARRIAGES BY MUTUAL AGREEMENT are not recognized by law ; the ceremony must be performed by a duly authorized minister of the gospel or other authorized person by his society or body ; a magistrate, judge or superintendant of some public benevolent institution. Persons living in fornication are liable to prosecution.

Dakota.—A marriage license is not required. Any male of the age of 18 years and female of 15 years, having no natural or other disqualification, are capable of consenting to and consummating marriage. The marriage may be solemnized by either a justice of the peace, judge of the Probate Court or Supreme Court, mayor, a minister of the gospel, or priest, of any denomination ; and in case of Indians, by the peace-makers, their agents or superintendents of Indian affairs. Indians living as husband and wife, are, according to Indian customs of the chiefs, regarded as married. All marriages contracted without the Territory and valid where made, are good here. All children born in wedlock are presumed to be legitimate ; a child born of the same parents before wedlock, becomes legitimate by the subsequent marriage of the parents. A joint declaration of marriage by either a written agreement or substantial witnesses to the same, without any officiating person, is valid. The person solemnizing a marriage, must furnish either party on request, a certificate specifying as follows :—

1. The names and places of residences of the parties married.
2. That they were known to him, or were satisfactorily proved to him by the oath of a person known to him, to be the persons described.
3. That he had ascertained that they were of sufficient age.
4. The names and places of residences of the attesting witnesses.

5. The time and place of marriage.

6. That after due inquiry, there appeared to be no lawful impediment.

This certificate may, within six months after the marriage, be filed with the clerk of the city or town where the marriage was solemnized; or where either parties reside; or the registrar of deeds of such county; and when thus filed, must be entered in a book to be provided by such office, in alphabetical order of the name of each party, and in the order of time of filing; this entry must specify the name and place of residence of each party; the time and place of marriage; the name and official station of the person signing the certificate, and the time of filing.

A certificate is signed by a minister or priest, there must be endorsed or annexed before filing, a certificate of a magistrate residing in the same county with the clerk that the person by whom it is signed, is personally known to such magistrate and has acknowledged the execution of the certificate in his presence, or that the execution of the certificate by a minister or priest of some religious denomination has been proved to the magistrate by the oath of a person known to him and who saw the certificate executed.

By an act approved March 13, 1885, laws of Dakota, chapter 137, page 204, sec. 3, it is made the duty of the coroner to obtain statistics of the number of deaths, the ages and nativity of deceased, and cause of death; also the births and marriages each year; the registration of these is imperative within 15 days.

Delaware.—Marriage licenses are required; the clerk of the county and city courts issue them.

AGES OF CONSENT:—The common law regulates the age if an objection arises to the age of a male; the female cannot be under 12 years of age; parents consenting to the marriage of a female under this age are liable to severe penalties under criminal procedure. Males are of full age at 21, and females at 18, and consequently can do all lawful acts of their own free will.

MARRIAGE WITH NEGROES and mulattos is prohibited; the statute is silent upon the marriage of Indians and Mongolians. The prohibition in this respect is regarded as unconstitutional.

MARRIAGE LEGITIMIZES all children born under marriage, but children born of the same parents before marriage, are illegitimate.

LIVING AS MAN AND WIFE or mutual agreement marriages are in any manner illegal ; marriage is regarded as a status relation made sacred by divine ordinances.

MARRIAGES must be recorded by a certificate of the officiating person, along with the license, with the recorder of deeds, within three months.

WHO CAN SOLEMNIZE:—Ministers ordained or authorized by their church ordinances or society customs, and the mayor of the city of Wilmington.

Georgia.—Marriage licenses are required by the State ; the ordinary or his deputy issues them ; the fee is \$1.75.

AGES OF CONSENT:—Males 17, females 14, if not otherwise prohibited.

OFFICERS AUTHORIZED TO SOLEMNIZE, are ministers ordained by any body, or denomination recognized by the people as a religious society ; justices of the peace ; judges of the State and United States Courts.

REGISTRATION must be immediately made by filing a certificate from the officiating person along with the marriage license.

LAWFUL AGES of males 21, females 18, after full age if no other hinderance by being closer relationship than cousins of second degree, insane, under age of consent, physically incompetent, white with a negro of more than half blood, force, fraud, bigamy or otherwise, they are free from restraint.

MARRIAGE by banns, and by the rules of Quakers is recognized ; living as husband and wife is not ; marriage by mutual agreement in presence of witnesses does not constitute a legal marriage.

MARRIAGE LEGITIMIZES all children born of the same parents before wedlock and after. Children or a child born before marriage must take the fathers name and be recognized by baptism and support as the child or children of the father.

MARRIAGE IS A CIVIL CONTRACT, but ranks under divine law as well as the state law.

Florida.—Marriage licenses are required under the laws of the state.

AGES OF CONSENT :—Males 14, females 12 ; both of the contracting parties must have their father's consent to and a joint application (of at least one of them) in obtaining the license. Without consent both must be 21 years of age.

VOIDABLE MARRIAGES:—All persons within the Levitical degrees bigamous or negro blood ; all these are prohibited under the marriage license code.

LIVING AS MAN AND WIFE does not by limitation of time or common assumption of marital relations, legalize apart from the requirements of the status of church and state laws, a marriage. It is fornication and living in adultery, and every child born under such relations is deemed to be illegitimate in heirship claims. (See Wills.)

Illinois.—A marriage license is required, except where the intention of the parties as hereinafter provided, is by the discipline of their society or denomination published in the forms of their society.

THE CLERK OF EACH COUNTY is the person who issues them ; the fee is \$1. For issuing them contrary to the law, he makes himself liable to a fine of \$300 for each offense.

MALES 18 YEARS OF AGE and upwards to 21 ; females 14 years and upwards to 18 ; must have the consent of their father, (if living and capable) if not living or capable, then the mother or the guardian, as the case may be, of either, before a license can be procured.

WHO ARE QUALIFIED TO SOLEMNIZE MARRIAGES:—All ministers' priests, elders, bishops, deacons of every denomination, if by the government of their body authorized ; every justice of the peace and judge of any court of record ; superintendent of any public institution for the education of deaf and dumb in this State ; persons known as members of the society of Quakers or Friends, may lawfully marry by having the parties declare their intentions to a standing committee of an official meeting, at least one week before, and appearing in public or private gathering before official witness, es of said body, with a certificate duly setting forth the names and

residences of each contracting party, and of the parents of each, if living, which said certificate shall be signed by the parties and the official witnesses, and shall be publicly read by one of the witnessing parties and afterwards recorded on the records of an organized meeting of said society.

MARRIAGE LEGALIZES all children born in wedlock, and the "Bastardy Act" provides as follows:—"If mother of bastard child, and reputed father, shall at any time after its birth intermarry, the child shall in all respects be deemed and held legitimate." Whites are not restricted from marriage with blacks.

REGISTRATION, by the party performing marriage ceremony, by a certificate, must be filed with the license (if a license has been used) with the county clerk in the county wherein the marriage was celebrated.

LIVING TOGETHER AS HUSBAND AND WIFE does not constitute a marriage; but if their was such an agreement consummated in writing entered into, at common law it would be held valid. Marriage is a civil contract in Illinois.

MARRIAGE BETWEEN DEGREES prohibited by law (Cousins of first degree included) are void.

Indiana.—Males 18 years of age and females 16 years, can lawfully enter the marriage contract, but cannot obtain a license without the consent of parents or guardians. If either party has one-eighth more than half colored blood, such person cannot marry a white. Judges of courts of record, justices of the peace, and ministers of the gospel, and priests of all denominations, can solemnize marriages. Licenses must be obtained from the clerk of the Circuit Court (except members of the Society of Friends) of the county in which the female resides. Males under 21 and females under 18 cannot without consent of parents or guardians secure a license, except if the female has no parents or guardians within the state, and has been a resident of the county for one month previous and is over the age of 16. If a female is pregnant at time of marriage, the marriage legitimizes the offspring. All marriages must be recorded with the certificate of the person solemnizing it, and the license with the clerk of the Circuit Court within three months thereafter. A penalty of a fine of \$500 can be imposed by law for

unlawfully solemnizing any marriage. A fine of \$20 can be imposed upon the clerk for issuing a license contrary to the provisions of the statute.

Iowa.—Males of the age of 16 years and females 14, can enter marriage, but cannot obtain a marriage license without the consent of parents or guardians until they arrive at their lawful majority. Licenses must be obtained from the clerk of the County Court. All ministers and priests ordained as such in their form of denomination, mayors, justices of the peace, and judges of all the courts can perform the marriage ceremony. Living together as man and wife, constitutes a marriage. Voluntary agreement to join in marriage in the presence of witnesses is recognized as legal. Marriages must be recorded within three months.

Idaho.—No marriage license required; the custom is to file a notice in the county or city recorder's office one week previous, and obtain a certificate from such city or county clerk of such notice; this takes the place of a license.

AGES OF CONSENT.—Male 18, female 16. The same ages without consent.

PROHIBITED DEGREES.—Same as Alabama and also in other respects.

Kansas.—A marriage license is required by this State. Age of parties are not specially fixed by statute for matrimonial purposes. Probate judges, however, are accustomed to require consent of parent or guardian in case of minors, before granting a license.

WHO CAN SOLEMNIZE MARRIAGES:—Any judge, justice of the peace or licensed preacher of the gospel; forms of marriage common among Friends and Quakers; being called three times in banns, by the Roman Catholic church, are also valid.

LIVING TOGETHER AS HUSBAND AND WIFE openly in co-habitation and repute, is not provided for by statute; it has been sustained by the courts as legal marriage.

MARRIAGE LEGITIMIZES all children born thereafter, during wedlock.

MUTUAL AGREEMENTS in marriages before witnesses or in writing, are not provided for by statute, but have been recognized by the courts as legal.

REGISTRATION LAWS are a perfect nullity ; there is a board called the State Board of Health, whose duty it is to see that the registrations of births, deaths and marriages are made, but as there is no penalty attached and the present legislature has refused to amend the laws and to make a grant for its maintenance, it is about obsolete.

THE MARRIAGE OF FIRST COUSINS is forbidden by law. Marriages between whites and blacks are lawful.

Kentucky.—Marriage licenses are required. No male or female can be capable of entering into wedlock, and participate in marital relations, unless they are 21 years of age and have obtained a marriage license from the clerk of the county court wherein their marriage was solemnized, except and provided that they are of the age of consent, namely, male 14 and female 12, and that the father of the female, or if he is incapable, then the mother or guardian, shall join in the application for such license and be present at the marriage ceremony.

PROHIBITED DEGREES:—Ancestors, descendants, brothers, sisters, nephews, nieces.

VOIDABLE MARRIAGES:—All bigamous, insane, idiotic, and marriages to negroes.

LIVING AS MAN AND WIFE does not constitute a civil marriage between them and the public, but at law and in property they partake of a legal status, by implication. Marriages must be recorded within 90 days thereafter.

Louisiana.—The laws of the state require a license. Males of 14 and up to 21, and females of 12 and up to 18, can marry only with their parents' or guardian's consent in obtaining the license.

ORDAINED MINISTERS and forms according to any religious denominations, and magistrates are the only duly authorized and legal forms of marriage.

NO CHILD BORN within four months after marriage is of lawful birth.

LIVING AS HUSBAND AND WIFE does not constitute a lawful marriage. There is a penalty under the codes of the state called "Public Adultry Act," that punishes all persons living in non-compliance with the laws.

NO MUTUAL AGREEMENTS or vows outside of the regular law of marriage provided for, to be procured through license from the state, and solemnized by a duly authorized person, is valid in law.

MARRIAGE IS A DIVINE contract and cannot be celebrated apart from the sacred ordinances.

REGISTRATION:—Outside of the city of New Orleans there is no registration under the laws of the state. The church parishes are always particular in having them recorded in their church records.

Montana.—There is no marriage license exacted by the Territory or any particular form beyond the ceremony being performed by a clergyman, justice of the peace, judge of probate court or an United States Circuit or District Judge. When marriage is performed a certificate is granted to the parties and one filed with the clerk of the court.

LAWFUL AGES:—Male 21, female 18. There is no provision for marriage under these ages.

PROHIBITED PERSONS are the same as Alabama, but first cousins are included.

Missouri.—The laws of the State requires a marriage license; the clerk of the county court issues them; the fee is \$1.

AGES THAT PERSONS CAN CONTRACT, males 15 years and females 12 years, when the father of either consents; without the consent of parents, males 21, females 18.

MARRIAGE CAN BE SOLEMNIZED by any judge of a court of record, justice of the peace, and any licensed ordained minister of the gospel, or such modes or by such persons, as any acknowledged religious body authorize and prescribe.

MARRIAGE WILL LEGALIZE a child born of the same parents before marriage or within such period after marriage as would decide its illegitimacy, if the husband acknowledges the child as his offspring.

LIVING TOGETHER AS HUSBAND AND WIFE **VALID** without ceremony, if competent in other respects; this is the decision laid down by the Superior Court of Missouri.

MARRIAGE IS A CIVIL CONTRACT under the laws of this State.

REGISTRATION:—Every marriage certificate accompanied with the license, shall be recorded within *three months* after the marriage having been performed.

NO PENALTY is provided for violation of the laws.

WHITES ARE PROHIBITED from marrying blacks; first degree of cousins cannot intermarry.

EVIDENCE OF MARRIAGE:—(1) An ordained minister or priest, rabbi, justice of the peace, judge of State or U. S. Court's certificate of marriage; (2) A court record of license; (3) Eye witnesses to the marriage; (4) 'Neighbors and intimate friends' testimony as to their living in common repute as married and assuming full marital relations.

Mississippi.—There is a marriage license required by the laws of the State, the same as in Alabama.

LAWFUL AGES OF CAPABILITY:—Males 14, females 12 can marry by consent of their parents in obtaining a license, and being present at the marriage celebration, and making no objection. *Males* being 21 and *Females* 18 are of full age and if otherwise not prohibited, can act of their own free will.

PROHIBITED DEGREES the same as in Alabama. Void marriages same as California.

Massachusetts.—Persons living together as man and wife if otherwise competent to enter marriage, the law regards it as lawful. Males of the age of 16 and females of 12 can, with consent of their parents or guardians file their intention with the clerks of the town or city where the marriage is going to be celebrated and lawfully marry, otherwise they must be of lawful age; *all ministers of the gospel*, priests and rabbis, justices of the peace and mayors can perform the marriage ceremony; *no license* is exacted, but the intention of the contracting parties to enter marriage must be filed with the town or city clerk at least seven days prior to the marriage

being consummated. Parties by mutual agreement and filing of their intention as aforesaid, without any ceremony can, if no legal impediment, lawfully contract. Marriage of a female in state of pregnancy, makes her issue lawful. Males are of full age at 21 and females at 18.

Maine.—All ministers of the gospel, priests and other persons holding licenses from the government, can lawfully solemnize marriage; males 14 and females 12 years of age are capable to enter marriage; the parties must file five days previous to marriage, a notice of their intention with the clerk of the village, town or city, and obtain from him a certificate of same, which must be presented to the person officiating at the marriage; the person performing the marriage must record the same with the clerk as aforesaid by the 15th of the succeeding month. The marriage of a female in pregnancy, and known to the husband, legalizes the child. *Marriages by mutual agreement* are unlawful. Persons living together without some form of marriage are liable to be punished by law as a State's offence.

Michigan.—Marriage license is required; age of consent of a male 18, a female 16; no license can be obtained apart from the consent of a father if living and capable or a guardian or mother of the female at this age or under full age. Full age of male 21 female 18.

EVERY ORDAINED MINISTER, magistrate, judge and justice of the State and U. S. Courts, can solemnize marriages.

LIVING AS MAN AND WIFE or mutual agreements without ceremony, are not recognized by law, but the courts would hold a civil contract made by them binding, under such evidence of living and co-habiting as husband and wife.

MARRIAGE WITHIN THE PROHIBITED DEGREES of the Episcopal church are held to be void; marriage of a bigamist is punishable by life servitude in State's prison. Marriage legitimizes all children born under wedlock.

Maryland.—Marriage licenses must be procured unless the names of the parties intending to be married shall be thrice pub-

lished in some church in the county where the woman resides, on three several Sundays preceding said marriage, or unless they marry according to the rites of the Society of Quakers.—Code 1878, Art. 51, Sec. 5.

BY WHOM ISSUED:—In Baltimore City the license is issued by the clerk of Common Pleas; in the State outside of Baltimore, by the clerk of the Circuit Court of the county in which the woman resides. The fee is \$1.—Code 1878, Art. 51, Sec. 7, amended by act of 1888.

AGES OF CAPABILITY:—A male between 21 and 14 years of age or a female between 16 and 12, can marry with such consent as the issuer of the marriage license requires, from the parents of either, or guardians, as the case may be; over this age they require no consent.—Code 1878, Art. 72, Sec. 111.

MINISTERS OF THE GOSPEL ORDAINED can only solemnize marriages, apart from the Quaker customs.

THE MARRIAGE OF A WHITE AND BLACK ARE PROHIBITED; an Indian and a white may marry.

ALL CHILDREN OR ANY CHILD born in wedlock are in the eyes of the law legitimate.

LIVING AS HUSBAND AND WIFE does not constitute a lawful marriage; a ceremony is necessary.—35 Md., 361.

PENALTIES UNDER THE STATUTES:—Unlawfully performing a marriage between parties within the degree (ancestors, descendants, brothers, sisters, nephews, nieces), are liable to a fine of \$500 each, and the minister in like amount. Marrying without a license or publication of banns, \$100 each, and minister \$100. Marrying a white and a black, the minister \$100 fine. For marrying men under 21 or women under 16 without sealed assent of parents or guardians, minister liable to a fine of \$1500. Any unauthorized person celebrating marriage can be fined \$500.—See Code 1878, Art. 72, Secs. 3 to 103 inclusive.

Minnesota.—Marriage license is required.

LAWFUL AGE OF CONSENT:—Male 18, female 16. Without consent—male 21, female 18.

SAME AS MISSOURI, except that living together as man and wife does not constitute a marriage in law.

PROHIBITED DEGREES :—The same as Alabama, but that void marriages does not include negroes, but prohibits the marriage of first degree cousins.

New Jersey.—There is no license required in this State. Males and females of full majority (21 and 18) without any consent, are capable of marriage, if not otherwise unfit; marriages of females not older than 12 and males 18, must obtain the consent and be married in the presence of the parents or guardians of either.

WHO CAN SOLEMNIZE:—Judges of any court of common pleas; justices of the peace; mayor of a city, and every stated and ordained minister and priest, and every religious society according to the rules of such society.

WHITES AND BLACKS can intermarry as lawfully as others.

ALL CHILDREN born in wedlock are legitimate.

NO PENALTY for improper persons attempting to perform the marriage ceremony; the marriage is simply void.

LIVING AS HUSBAND AND WIFE constitutes lawful marriage when they by repeated acknowledgments of marital relations to the world admit of their conjugality.

MARRIAGE IS A CIVIL CONTRACT, which may be entered into only by the persons, to-wit:

1. **MUST** be willing to contract.
2. **MUST** be free from previous marriage, by death or divorce-ment of previous husband or wife (as the case may be).
3. **MUST** not be related by blood or marriage within certain degrees (such as first cousins).
4. **MUST** be sane and within the ages and under the regulations hereinbefore mentioned.

CLERGYMEN OR OTHERS solemnizing marriages between parties that are under age, without consent of and in the presence of parents or guardians, as mentioned in the first paragraph, are liable to a fine of \$300.

New Hampshire.—The State requires a license, and the clerk of the County Court issues the same; the fee is \$1.50.

LAWFUL AGES OF CONSENT.—Males 14, females 12. Without consent—males 21, females 18.

MINISTERS OF THE GOSPEL, justices of the peace, and every judge of the United States Court and the State Courts, can solemnize marriages.

LIVING AS HUSBAND AND WIFE to the world, constitutes a right of community at civil law, but otherwise illegal.

ALL CHILDREN born in wedlock are regarded as lawful in heirship claims.

New York.—The state exacts no license.

EVERY MALE, not prohibited by other disability, of 18 years of age, and every female of 16 years can without consent of parents or guardians, enter the marriage contract.

MARRIAGE IS A CIVIL CONTRACT and any stipulated ceremony is not prescribed by law to constitute a legal marriage; the simple consent and taking each other for husband and wife in the presence of witnesses and registering the same with the town clerk or local board of health, is sufficient. *Living as man and wife* and holding out to the world as such, constitutes a lawful marriage. *The law* does not restrict the age of either in cases requiring the consent of the parents or guardians.

MARRIAGES MAY BE SOLEMNIZED by the following, for better registration, but not any more legal:—Ministers of the gospel of any denomination; priests and rabbis; justices of the peace; mayors, recorders and aldermen of cities; judges of all the courts, and justices of all superior courts.

WHITES ARE NOT PROHIBITED in marriage with Indians, Mongolians or blacks. *Degrees* prohibited are: Ancestors, descendants, brothers and sisters.

MARRIAGE UNDER WEDLOCK does not always legitimize every child or the children born therein; unnatural births by law, are a question for medical testimony to prove to the satisfaction of the court, along with evidence of the time of marriage. Any child

born out of wedlock is illegitimate, and no act of the father or mother can regain its rights of lawful heirship, if a question of property is involved.

North Carolina.—A marriage license is required; the ages of consent, male 16, female 14; without consent, male 21, female 21.

VOID MARRIAGES:—Prohibited degrees, bigamous, under age of consent, insane when married, physically incompetent, white with Indian and negro with Indian.

MARRIAGE legitimizes all children born under wedlock, and every child of the same father and mother, and acknowledged as such by bearing the father's name and being supported by him, after marriage of the same persons.

MINISTERS, PRIESTS and all ordained or authorized teachers or persons belonging to any religious body or society, according to their usages, can solemnize marriages. Justices of the peace can by commission, judges of the courts can without commission, by virtue of their office.

Ohio.—The State exacts a marriage license; it is issued by the probate judge; the fee is 75 cents. The publication of banns three times in the Roman Catholic church is equivalent to a marriage license.

OFFICIALS WHO CAN SOLEMNIZE marriages, are: Priests, preachers and justices of the peace.

LAWFUL AGES of capability of males are 21, and females, 18; when licenses are obtained by the approval and consent of the parents or guardians, males 18, females 16. First cousins are unqualified by statute to join in marriage.

WHITES AND BLACKS can unite in marriage, if not otherwise disqualified.

MARRIAGE is a civil contract under the laws of this commonwealth.

LIVING AS MAN AND WIFE constitutes a legal marriage. The law recognizes all children born under wedlock as lawful.

REGISTRATION of all marriages by the persons solemnizing them must be within three months recorded with the clerk of the probate.

A **PENALTY** of \$500 fine can be imposed upon any person solemnizing marriages contrary to the statutes.

Oregon.—Marriage license is required by the State laws. Males at the age of 18, and females at 15, may with consent enter the marriage contract. Without consent, males at the age of 21, and females at 18.

MARRIAGES between whites and **Mongolians** are void.

LIVING TOGETHER AS MAN AND WIFE is illegal and in no way recognized in civil or other claims affected by the same.

Pennsylvania.—The legality of the proposed marriage must be verified by oath of one or both contracting parties, before the clerk of the court, or before any magistrate, alderman, or justice of the peace of the township, ward or county wherein either of the contracting parties resides and in the county where the license is desired; said last named officer is authorized to inquire of the parties touching the legality of their contemplated marriage, and the inquiries and answers to be subscribed and sworn to by the parties before such officer, may be forwarded to the clerk of the court who if satisfied that the same is genuine and that no legal objection exists shall grant a license; if any of the persons intending to marry shall be under twenty-one years of age, the consent of their parents or guardians shall be personally given before said clerk, or a certified permit under the hand of such parent or guardian, attested by two adult witnesses, and the signature of such parent or guardian shall be acknowledged before a notary public, or other officer competent under the law to receive acknowledgments, which certificate and oath shall be filed on record in said office and entry of same shall be made on the marriage license docket as part of the record of the issuing of said license.

Rhode Island.—Any ordained minister or elder of any denomination, who shall be domiciled in this State, and either justice of the Supreme Court, may join persons in marriage in a town in

the State. (It will be noted that clergymen are confined to their own state, and that clergymen, not residents, cannot solemnize marriages.)

WARDENS can only in the town of New Shoreham solemnize marriages; they cannot elsewhere in the State.

MUST PROVIDE A CERTIFICATE. Every minister, elder, magistrate or warden who shall solemnize marriage between persons shall require a certificate properly executed and signed by the town or city clerk of the town or city in which each of such persons shall respectively reside, and if not residents of the state, then from the town or city clerk or registrar of the town or city in which the marriage shall be solemnized, to the effect that the said town or city clerk or registrar has duly recorded the intention of marriage between the parties named in the certificate, the said certificate also setting forth the names and surnames of the parties, the age, color, occupation, birthplace, and residence of each, whether either or both have been before married, and, if before married, whether the marriage intended is the first, second, third or other marriage, and also whether the condition of either or both persons previously married is that of a divorced person; and the names, occupation and birthplace of each of their parents; and no town or city clerk or city registrar shall issue such certificate to any minor or person under guardianship, unless the consent in writing of the parent or guardian shall have first been obtained thereto; provided, however, such certificate may be issued to a female over eighteen years of age, who has no parent or guardian living in the United States. (The legal minority of both sexes terminates at 21 years.)

SOCIETY OF FRIENDS, and every person authorized to join persons in marriage, must make the registration before the second Monday of every month, of all marriages solemnized by them, where, when and at what time, with the town or city clerk within the county where solemnized.

LAWFUL OBJECTIONS, presented in writing, will stay all rights of marriage until removed.

PENALTY of six months' imprisonment is inflicted by the courts for any person who solemnizes marriages contrary to the aforesaid

provisions. The participants are subject to a fine of \$50 each for violation of the laws in any way.

WITNESSES :—There must be two; Quakers, Jews and every-one have to comply with the law. A white can marry a black. Marriage is not a civil contract. All children born in wedlock are lawful.

South Carolina.—There is no marriage license required; the regulations followed are the same as in the State of Massachusetts.

AGE OF CAPABILITY of entering the marriage contract is as follows: Males 14, females 12, with the consent of parents in obtaining license and their presence at the ceremony; without consent, the ages are fixed at 21 and 18, but in all other matters the female does not attain her majority until she is 21.

MARRIAGES OF WHITES to negroes or Indians are void.

MARRIAGE IS A DIVINE AS WELL AS CIVIL contract, and all marriages not conforming to the laws of the State and the church or denomination they are members of, are not recognized other than living in fornication.

Tennessee.—A marriage license is required by law. The age of consent of girls is 12, the age of boys 14. The marriage ceremony may be performed by any regular minister of the gospel, rabbi having the care of souls, any justice of the peace, mayor, judge or chancellor of the courts.

LIVING TOGETHER as man and wife does not constitute a lawful marriage, though where civil rights are involved it raises very strong presumption of marriage. Marriages according to these customs, during slavery, were valid. The marriage legalizes all children born in wedlock, but does not extend to children born (even by the same parents) prior to marriage.

VOLUNTARY MARRIAGE WITHOUT CEREMONY is not legal; the law compels everyone to celebrate the marriage nuptials in the presence of competent witnesses, and through some one of the officials hereinbefore named. A marriage between a white woman and a colored person is unlawful.

NO GENERAL LAW OF REGISTRATION is in force within the State;

but the person who solemnizes a marriage, makes a return on the back to the county clerk, according to local regulations, as prescribed by municipal by-laws.

Texas.—A license is required by the laws of the State; the clerk of the County Court issues the same; the fee is \$1.50.

LAWFUL AGE without the consent of parents or guardians, is males 21, females 18; with consent of the parents of either or guardian (as the case may be), males 18, females 14.

WHITES CANNOT INTERMARRY with blacks or Indians.

WHO CAN SOLEMNIZE marriages :—District and county judges, justices of the peace, and all religious denominations, in the form and under the discipline of their church or society rules.

ALL CHILDREN born in wedlock are recognized by law as legitimate.

LIVING TOGETHER AS MAN AND WIFE does not constitute a lawful marriage in itself, apart from a witnessed agreement; but when entered into an agreement and the same filed with the clerk of the county in which the parties reside, is legal.

REGISTRATION of all marriages must be filed within sixty days thereafter, along with the license and certificate of the person solemnizing it.

A PENALTY of a fine not exceeding \$100 or less than \$10 is imposed for unlawful performance of the marriage rites.

Virginia.—Lawful age of majority of both sexes in this State is 21; ages of consent in marriage, etc., from the age of 14 to 21 in case of males, and from 12 to 21 for females.

A MARRIAGE LICENSE is exacted by the laws of the State; it is issued by the recorder in probate; the fee is \$2.

VOID MARRIAGES are those of bigamy, under age of consent, and physically incompetent.

PROHIBITED DEGREES are all closer than cousins of first degree.

PERSONS LIVING IN COHIBITION as husband and wife without marriage, cannot participate in any rights of conjugal life.

ALL MINISTERS OF THE GOSPEL and the various forms of any recognized body or denomination, are admitted as proper compliance with the statute.

Vermont.—The statute exacts a marriage license; the forms of marriage by the Society of Friends or Quakers, and the publication of banns are allowed to be practiced. The town clerk issues them; the fee is 50 cts.

MINORS CANNOT OBTAIN LICENSES without the consent in writing of the father of the female, or guardian.

MALES ARE OF FULL AGE at 21, and females at 18. The age of consent of a male is 14 and that of a female is 12.

FIRST COUSINS ARE NOT PROHIBITED; neither is the intermarriage of races prohibited; a child born before wedlock, and recognized and maintained by the father after marriage, is legitimate. A child born out of wedlock has a legal status in respect to his mother's separate property.

LIVING AS HUSBAND AND WIFE does not constitute a marriage; marriage by mutual agreement, without ceremony, is not recognized by law.

A PENALTY of not less than \$100 or more than \$300 can be imposed upon any person pretending to be qualified to perform the marriage ceremony, or imprisonment for six months. Or a penalty of \$10 can be imposed for celebrating a marriage by a qualified person, without a license as required by law or the publication of banns.

ALL CLERGYMEN authorized by their church edicts; all religious sects or bodies recognized as such according to their forms and by the person or persons whose authority is delegated by such sect, society or body; justices of the peace and superintendents of any benevolent or religious institution, are qualified to perform the marriage ceremony.

Wisconsin.—No marriage license is required. The same regulations as in operation in the State of New Jersey.

AGES OF CONSENT:—Male 18 female 15; without consent, males

21, females 18. (After marriage, if a female is under age by law, she is regarded as of age, even if only 16 years.)

THE SAME as New Jersey in every other respect.

Wyoming Territory.—A marriage license is required; the age of consent is, male 18, female 16; without consent, male 21, female 18.

PROHIBITED DEGREES:—Bigamous, insane when married, force or fraud, are void marriages.

LIVING AS MAN AND WIFE does not constitute a marriage at law civilly or otherwise; recognized as living in common adultery, and the offspring are bastards.

Washington Territory.—The territory demands a marriage license; males of 21 years of age and females of 18 are capable to enter into wedlock of their own free will and accord if no legal or natural impediment; persons of both sexes under that age cannot without the consent and by the application jointly, of one or more of their parents on each side, or the guardians, as the case may be, obtain a license. All regularly ordained ministers or priests of any church or denomination, by justices or judges of the District or Probate Courts, and any justice of the peace, can solemnize marriage.

LIVING AS HUSBAND AND WIFE, and holding out to the world as such, is sufficient when considered with reference to the disposition of their property rights, between the individuals or the children of such living together.

CIVIL AGREEMENTS are not lawful; parties must declare in the presence of two witnesses and before some one of the before-named qualified officials, that they take each other to be man and wife.

ALL CHILDREN, born in wedlock, are legitimate. Whites can marry Indians, Chinese, or negroes.

REGISTRATION.—The certificate of marriage must within three months thereafter, by the clergyman or officer performing the ceremony, be filed with the probate judge of the county where the marriage takes place. There is no law with reference to registration of births or deaths.

West Virginia.—The State exacts a license; the clerk of the County Court in each county issues them; the fee is \$1.

THE AGE OF CONSENT of male is 14, of female 12; but if parties are under age of 21, the consent of the father or guardian, or in their absence the mother, must be obtained in person or in writing, unless the parties have been previously married, when such consent is dispensed with.

THE AGE OF MAJORITY in this State of both male and female is 21.

CHILDREN BORN of the same mother and father prior to marriage are by the marriage vested of legitimate birthright.

OFFICERS WHO CAN SOLEMNIZE marriages are as follows: Any minister of the gospel who proves that he has been duly licensed as such, and is in communion with his church, may be authorized by the Circuit Court of the State to solemnize the right of matrimony in all counties, upon giving a bond in penalty of \$1500. He may also be licensed by the County Court, or when neither court is in session, by the clerk of the County Court; the fee of the clergyman is \$1. No person other than the minister licensed shall solemnize the right of matrimony. Marriage between persons belonging to any religious societies which have no licensed minister, may solemnize by the person, and in the manner prescribed by, and practiced in, any such society. Every marriage in the State must be under a license, and solemnized in the manner and under the penalty bond hereinbefore provided.

WHERE COLORED PERSONS prior to February 28th, 1865, had agreed to live as husband and wife, and were cohabiting as such, shall be deemed husband and wife by law, but no others.

MARRIAGE is a civil contract.

REGISTRATION requires the clerk to keep a record of all licenses issued, and the minister performing the ceremony is required in sixty days to make return to the clerk of the County Court the license, with the facts, under his certification, to be recorded in a book kept for that purpose.

DOMINION OF CANADA.

Province of Ontario.—The law as to the solemnization of marriages in this Province is laid down in the Revised Statutes of Ontario, Chapter 124, which provides for the solemnization of a marriage by any minister or clergyman of every church and religious denomination, duly appointed or ordained according to the rights and ceremonies of the church or denomination to which they respectively belong, resident in Ontario; but no such minister or clergyman shall celebrate the ceremony unless duly authorized so to do by license under the hand and seal of the lieutenant-governor, or by a certificate under the act, or unless the intention of the two persons to intermarry has been proclaimed once openly and in an audible voice either in the church, chapel or meeting-house in which one of the parties has been in the habit of attending worship, or with which the minister or clergyman who performs the ceremony is connected, and in the local municipality, parish or charge where one of the parties has for the space of fifteen days immediately preceding had his or her usual place of abode; such proclamation to be on Sunday, immediately after the service begins, or after it ends, or at some intermediate part of the service.

SECTION 3 OF THE ACT PROVIDES for the substitution of a certificate instead of the usual marriage license. Such license or certificate shall be issued from the office of the provincial secretary, and shall be furnished to parties requiring the same by such persons as the lieutenant-governor in council may name for that purpose; and unauthorized persons issuing any such license or certificate for the solemnization of marriage, shall forfeit the sum of \$100 for every such license issued. This does not, however, apply to the case where a deputy has been appointed, with the approval in writing of the mayor or reeve of the city, township or incorporated village wherein he resides, when the issuer is prevented by illness or unavoidable accident, or temporary absence, who while so acting shall possess the powers and privileges of the issuer appointing him.

BEFORE ANY SUCH LICENSE IS ISSUED by any issuer, or deputy issuer, one of the parties to the intended marriage shall personally make an affidavit, stating the county or district wherein the marriage shall be solemnized; (2) that he or she believes that there is

no affinity, consanguinity, pre-contract, or other lawful cause or legal impediment to bar or hinder the solemnization of the marriage; (3) that one of the parties has for the space of fifteen days immediately preceding the issue of the certificate or license had his or her usual place of abode within the county or district in which the marriage is to be solemnized; or should the place for its solemnization be not that in which either of the parties has for the space of fifteen days immediately preceding the issue of the license or certificate had his or her usual place of abode, that the reason for procuring the marriage to be solemnized in such place is not in order to evade due publicity or for any other improper purpose.

Then, in case either party (not being a widower or widow) is under the age of 21 years, the affidavit shall further state that the consent of the person whose consent to the marriage is required by law has been obtained thereto. If there is no person having authority to give such consent to the marriage, then upon oath made to that effect by the party requiring the license or certificate, it shall be lawful to grant a license or certificate notwithstanding the absence of any such consent. Should the issuer have personal knowledge or reason to suspect that the affidavit is untrue, he shall not issue a license or certificate. The father, if living, of any person under the the age of 21 (not being a widower or widow) or if the father is dead, the guardian or guardians of the person so under age, or any one of the guardians, if there are more than one; or in case there is a mother of such minor living, and not again married, she shall have authority to give consent in the marriage.

EVERY CLERGYMAN OR MINISTER who celebrates a marriage shall if required at the time of the marriage by either of the parties thereto, give a certificate of the marriage under his hand, for which he may demand twenty-five cents from the person requiring it.

LICENSES ARE ISSUED by persons commissioned by the Provincial secretary so to do. The fee is \$2, which belongs to the issuer of said licenses.

REGISTRATION must in all cases be made within thirty days thereafter, upon a form furnished to all persons qualified.

FIRST COUSINS cannot intermarry according to the edicts of some of the denominations, but it is not prohibited by law.

THERE IS NO DISTINCTION made by law, respecting the intermarriage of races.

New Brunswick.—Males and females are capable of entering into the marriage contract at any age, either with or without consent of parents. Consolidated statutes of N. B. Cap. 71, Sec. 7 provides: "No person shall knowingly solemnize any marriage where either party is under the age of 21 years, without the consent of the father or guardian." The infraction of the law is laid upon the person who performs it, and as a matter of revocation or illegality, there appears no provision making it such.

LICENSE MUST BE OBTAINED or the publication of banns. (See regulations in the laws of marriage for Ontario.) The fee for the license is \$5; they are issued from the Provincial secretary's office as in Ontario.

WHO CAN OFFICIATE. Every Christian minister or teacher duly ordained according to the rites and ceremonies of the denomination, deemed and recognized as a duly ordained minister or teacher by virtue of any prior ordination, and being a British subject, having charge of a congregation in the Province or connected therewith, may solemnize marriage by license or the publication of banns. Con. St. Cap. 71.

AN ALIEN MINISTER can perform the same by petition to the Governor in council for the permit.

A JUSTICE OF THE PEACE, or mayor or reeve of a village, town, township or city, can receive a commission to perform marriages.

QUAKERS ARE PERMITTED by the forms of their society to consummate marriages.

MARRIAGE is a civil contract.

LIVING AS MAN AND WIFE cannot be recognized under the law in any manner.

MARRIAGE ONLY LEGITIMIZES the offspring born under wedlock as laid down by medical jurisprudence as the natural time after marriage.

EVERY MARRIAGE must take place in the presence of at least two witnesses, besides the person officiating the marriage, and immediately thereafter a certificate thereof shall be made and transmitted

to the clerk of the peace of the county (the same being signed by the persons joined in wedlock and witnessed by the witnesses to the marriage, called the bridesmaid and groomsman) wherein the marriage was celebrated, and he immediately registers certificate in full in a book kept for that purpose.

PERSONS unlawfully solemnizing marriage can be convicted of misdemeanor and fined \$500, or both in the discretion of the court.

Province of Nova Scotia.—The age of consent in marriage is 14 in males and 12 in females. If, however, they go through the form of marriage before that age, such marriage is inchoate (begins) and imperfect, but not void; if on arriving at the age of consent, they co-habit or continue co-habitation previously begun, the marriage is good, by reason of the subsequent ratification of the inchoate contract.

Neither males nor females cease to be minors for the marriage contract, until they arrive at the full age of 21 years.

The English statute 26 Geo. II, C. 33, which made consent of parents and guardians essential to the validity of all marriages of minors by license, did not apply to the colonies and has since been repealed by the Imperial Parliament, 19 & 20 Vic., c. 119, sec. 17. Pritchard p. 17.

THERE MUST BE A LICENSE or a notice of the marriage given during divine service, at a place of public worship in the place where the celebrants worship, for two Sundays.

THE LIEUTENANT-GOVERNOR for the Province signs and seals marriage licenses in blank which are distributed by the Provincial Secretary with blank bonds to persons appointed by the Governor-in-Council to be issuers of marriage licenses and Deputy Registrars of marriages, who are responsible for licenses issued to applicants, on payment of a fee of \$2.50 and the execution of a bond with two sufficient sureties.

EVERY PERSON RECOGNIZED as a duly ordained clergyman or minister by any congregation or body of Christians within this Province, can perform the marriage ceremony.

EVIDENCE OF CO-HABITATION, for a long period of years, will be sufficient to establish marriage or preponderating evidence of respect,

even though divided. Persons cannot undertake by mutual contract, even though witnessed, the marriage vows ; it is illegal and contrary to public morals.

ALL RACES can, without let or hindrance, if otherwise capable, intermarry.

REGISTRATION must be made with the deputy registrar of every marriage, but the law does not limit the time within which the same is made.

ALL CHILDREN BORN IN WEDLOCK are legitimate. A child or children born previous to marriage, has no legal status under the laws of descent in heirship claims.

Province of Quebec.—A marriage license is required, unless where banns are published; the provincial secretary issues them over the seal and hand of the lieutenant-governor ; the fee charged is \$8. Both male and female must be of the full age of 21 years, before they can without the consent of parents or guardians obtain a marriage license. The age of consent of a male is 14, and a female 12. All minors must receive permission in writing or personal consent of the father of either to the obtaining of a license.

MARRIAGE LEGALIZES all children born of the same parents and acknowledged as such by the father, whether born before or after wedlock.

ALL PRIESTS, RECTORS, ministers, and other officers authorized by law to keep registers of acts of civil status, are competent to solemnize marriages ; but none of the officers thus authorized can be compelled to solemnize a marriage to which any impediment exists according to the doctrine and belief of his religion, and the discipline of the church to which he belongs.

REGISTRATION.—(A.) Immediately after marriage (B.) If the marriage is solemnized at the place of the domicile of one or the other of the parties. If solemnized elsewhere, the person officiating is obliged to verify and ascertain the identity of the parties. For the purpose of marriage, domicile is established by a residence of six months in the same county. (C.) The act is signed by the officer officiating the marriage, by the parties contracting, by the groomsmen and bridesmaid, or two other competent witnesses, related or not, who witnessed the ceremony. If any of the parties cannot

write or sign the declaration, a memorandum must be made to that effect. In this declaration is set forth : (1) the day on which the marriage was solemnized ; (2) the names, sur-names, quality or occupation and domicile of the parties married, the names of the father and mother of each, or the name of the former husband or wife, if widower or widow ; (3) whether the parties are of age or minors ; (4) whether they were married after the publication of banns or with a dispensation or license ; whether it was with the consent of their father or mother, tutor, or guardian, or with the advice of a family council, when such consent or advice is required ; (5) the names of witnesses, and if they are related or allied to the parties, and if so, on which side and in what degree ; (6) that there has been a protest and if the protest was allowed or disallowed.

LIVING AS HUSBAND AND WIFE does not constitute a lawful marriage.

MARRIAGE IS A RELIGIOUS CONTRACT, but the statute gives it a civil effect.

PART II.—CHAP. IV.

Married woman's separate rights respecting the holding and disposition of property, and her liability for her husband's debts, and the husband's liability for her debts before and after marriage, in each State and Territory in the United States, and each Province of the Dominion of Canada.

MARRIAGE RIGHTS.

Alabama.—All property held by the wife previous to the marriage, or to which she may become entitled after marriage, is the separate estate of the wife, and is not subject to the payment of the husband's debts, which property vests in the husband as trustee. Such property may be sold by the husband and wife, and conveyed by them jointly by instrument in writing, attested by two witnesses.

Arkansas.—Same as Alabama.

California.—Married women can make any contracts concerning their separate property with their own husband or any person else; and can make the same disposition of her property by will or otherwise, as her husband can with his. The separate estate of either is not liable for the other's debts. Community property (that is, property acquired by husband and wife by their united industry and saving, during marriage), is liable for debts of the woman before her marriage. Husband has absolute control, during lifetime, of community property, and may dispose of same without wife's joining in conveyance.

Colorado.—Married women hold their separate estate, real and personal, free from any liability or control for, or of, their husbands. They can do all business the same as before their marriage.

Connecticut.—All women married before May 1st, 1877, husbands have an interest in their property, for the use of her real estate and as trustee of her personal estate, unless conveyed to her separately, and for her own separate use specifically. Marriages contracted since the 1st of May, 1877, give neither any interest in the estate of the other while living, and each is responsible for his

or her own contracts; for the support of the family, both are held liable. Married women carrying on business may bind their separate estate, and contracts entered into by a married woman on her personal and individual credit for the benefit of herself and family or her joint and separate estate, will be enforced. By statute of 1878 all property hereafter conveyed to a married woman shall be held to be her sole and separate use, and will be liable for her contracts.

Dakota.—Married women can independently manage, control and dispose by will or otherwise, their separate estate both real and personal. Her property is exempt from any creditors of her husband.

Delaware.—Married women possess full rights and control in managing and disposing by will or otherwise of their separate estate. They can engage in business or trade and require no permission of their husbands. The husband assumes the antenuptial debts of his wife.

District of Columbia.—The right of a married woman to property held by her at the time of, or acquired by her in any other way than by gift or conveyance from her husband during marriage, is as absolute as if she were unmarried and of full age. It is not subject to her husband's disposal nor liable for his debts, and she may contract, sue, and be sued in respect to the same, in her own name, as if she were unmarried. Held, that under this law the earnings of a married woman, in trade, at service, or otherwise, are still the property of her husband as at common law. In the acknowledgment of deeds, married women must state that it is without compulsion of her husband and that she fully understands its contents.

Florida.—The separate property of a married woman is a distinct right of her own; but conveyances between husband and wife are not accepted, unless for full consideration.

Georgia.—All property of the wife in possession at time of marriage or afterwards acquired by her, is her separate property, and not liable for the payment of any debts, defaults or contracts of the husband. Wife cannot bind her separate estate by any contract

for suretyship, whether in behalf of her husband or any person else. Any sale of the wife's property in payment of her husband's debts is absolutely void. It has been held and decided that though she was in full consent at the time of the conveyance, she can at any time afterwards repudiate it and recover the property from any one buying it with a knowledge of her interest.

Idaho.—The real and personal property of a married woman, owned at the time of marriage by her in fee simple or afterwards by devise or bequeath, is not subject to the control or liability of the husband in any respect.

Illinois.—Married women may own real estate, and can sell or manage the same to a like extent that the husband can property belonging to him. No transfer of chattels between husband and wife, when living together, is valid against third persons unless in writing and duly acknowledged and recorded. Contracts and liabilities of married women can be enforced against them the same as if unmarried; they may buy goods, etc., but cannot enter into partnership or embark in business, without the consent of their husband. Neither husband nor wife are liable for debts antenuptial, but both are responsible for necessities furnished or required for maintenance of the family. The wife has a dower in her husband's lands, and must join in all conveyances or instruments affecting the same, except a mortgage given as a part payment of purchase money.

Iowa.—A wife may receive the wages of her personal labor and maintain an action therefor in her own name, and hold the same in her own right; and she may prosecute and defend all actions at law or equity for the preservation and protection of her rights and property, as if unmarried. Neither are liable for antenuptial debts of the other, but the joint savings after marriage will be held for their antenuptial debts. The separate wages, earnings or property or the rent or income of such property liable for the separate debts of either. Contracts may be made by a wife and liabilities incurred, and the same enforced against her, to the same extent and in the same manner as if she were unmarried. The expenses of the family, and the education of the children are chargeable upon the property of both husband and wife, or either

of them, and in relation thereto they may be sued jointly or separately.

Indiana.—CHAP. 71, SEC. 5115.—“No lands of any married woman shall be liable for the debts of her husband, but such lands and the profits therefrom, shall be her separate property as though she were unmarried: provided that she shall have no power to incumber or convey such lands, except by deed in which her husband shall join.”

SEC. 5119.—A wife cannot enter into any contract or suretyship, whether as indorser or guarantor, all acts of hers in this respect are void. SEC. 5125.—“The husband shall be liable for his wife’s antenuptial debts and liabilities, to the extent of the personal property he may acquire through her, or derive from the sale or rent of her lands or money. The wages of a married woman belong to her and cannot be taken for her husband’s debts. Any agreement in consideration of marriage is void.

Kansas.—Married women enjoy the same rights as to their separate property, real and personal, as their husbands. They may engage in business at pleasure, and be sued and sue for their own contracts.

Kentucky.—Married women hold their separate estate free from the control or liability for debts of husband. Upon the joint petition of husband and wife, the circuit court may empower the wife to trade, etc., as a feme sole.

Louisiana.—Married women may hold in their own name her marriage portion or property separately acquired or become seized of through heirship after marriage, and such property is not liable for her husband’s debts. MARRIAGE produces of right are many under the marriage contracts, as all considerations in marriage are binding; a community of acquets and gains, which are composed of the joint earnings and acquisitions of husband and wife since marriage. At the dissolution of the marriage, either by death, divorce or legal separation, she is entitled to one-half of all community property. All privileges of married women arising out of the husband’s use or appropriation of the wife’s separate property, in order to affect third persons, must be recorded in the office of the recorder of mortgages. A married woman in order to make a

valid contract with a third person respecting her separate property, must be by the approval of her husband or the judge of the county court. When the husband permissively allows his wife to engage in business, she may without being empowered by him, obligate herself in anything relating to her business, and in such case the husband is bound also, if there exists a community of property between them.

Maine.—Married women may manage their own affairs in all respects the same as their husbands or as if they were unmarried. They may convey, and devise property, sue and be sued, alone or jointly with their husbands. Their property may be attached for their own debts; husbands are not liable for the antenuptial debts of their wives, unless they assumed the payment of any of them after marriage, which would hold them for all her debts. (see R. S. of Mn, Chap. 61.) Wives need not join in deeds or mortgages of their husbands or community property.

Maryland.—The property of a married woman is not liable for her husband's debts. She may however bind her separate property by an instrument in writing expressing such intention. When conducting a business as a feme sole, and in that character contracts debts, she may be held, though she may not have entered into any written contract, by contract implied in her act. Execution and attachment may issue against her separate property for her own debts and where she has united with her husband, in a promise to pay either as a joint maker or indorser. Married women cannot go into partnership. Marriage fixes the liabilities of the wife upon the husband, precontracted.

Massachusetts.—A married woman may hold property to her separate use; she may invest the rents, profits, etc., thereof, her earnings, and whatever she has received for release of dower; and said property, rents, profits, etc., is not subject to the husband's interference or control, nor liable for his debts. She may convey her property, make contracts, sue and be sued, as to her separate account and may carry on any trade or business, as if she was unmarried, but the husband must join with her in real estate and other business conveyances. A trustee may be appointed on her petition to take charge of her estate in insolvency. The husband is not

liable for contracts of wife doing business on her separate account, after filing a certificate with town or city clerk setting forth her name, business, etc. She must also file a certificate to secure with town or city clerk setting forth her name, business, etc., and that she is not liable in any way for her husband's debts or business. The wife may be sued and her separate property attached for antenuptial debts; the husband is not liable for such debts. A guardian may be appointed for an insane woman having the right of dower. A married woman whose husband has abandoned her, or has been sent to prison, or is otherwise incapable, may be authorized by the courts to convey property, to make contracts, and to sue and be sued.

Michigan.—Married women have the same rights and liabilities with regard to their sole property as if unmarried. In devising her property she must obtain her husband's consent, and in conveying or mortgaging her separate real estate, the husband must by right of courtesy join. She can mortgage her property or go on a bond or security for her husband's debts.

Minnesota.—All property owned by married women at time of marriage shall continue to remain her separate property after marriage, and she may enjoy rents and profits, and avails of her industry, free from liabilities on account of husband's debts; shall be bound by her contracts, and responsible for torts committed by her, same as if unmarried; may make any contract which she might make if unmarried, and shall be bound thereby, except that no contract or conveyance of real estate or any interest therein, other than mortgages on lands to secure purchase money, and leases for terms not exceeding three years, shall be valid, unless husband joins; no estate by the courtesy as against purchase money mortgage given by married women. If husband is insane she may make such conveyance or contract, by joining with the guardian of her husband. No married woman liable for the debts of her husband; or married man for those of his wife, entered into before or after coverature of marriage, except for necessities furnished wife and family; no conveyance agreement or contract of real estate between man and wife is valid. In all cases where creditors or purchasers in good faith come into question, husband held to have notice of contracts and

debts of wife, and wife notice of contracts and debts of husband, as fully as if a party thereto. *Minority of a wife* does not affect validity of a joint deed. In cases of actions on the part of the husband, that would be substantial causes for divorce, the husband becomes silent to his rights over his wife, in any of the foregoing privileges of conjugality.

Missouri—Married women may hold real property to their sole and separate use, with or without the intervention of any person or free from liability of her husband's debts. All personal property and choses in action, belonging to wife at marriage, or thereafter by gift, bequest, inheritance, or by purchase with her separate money, or due as wages of her labor, or which may have grown out of her personal rights, remain her separate property, and not liable in any way for her husband's debts. A married woman by the privity of her husband, may carry on any trade or business, in which case the stock and products of her earnings are absolutely her own, but on the other hand all contracts, either by note or account, in connection therewith, are lawful charges upon her separate estate, reserving such exemptions as provided by law thereto belonging.

Montana.—All separate estates of married women, or earnings or emoluments therefrom, brought into marriage or afterwards acquired, belong to her. The husband is free from all antenuptial liabilities. All acts of the wife in writing either in behalf of her husband or otherwise, are binding upon her, unless obtained by compulsion or fraud.

Nebraska.—Married women may own, devise, lease, control, and convey their real estate, by deed or by will, in the same manner and with like effect as if she were single. By law of June 1, 1871, and as amended February, 1875, the property real and personal, which any married woman may own at the time of marriage, and the emoluments thereof, and any real, personal, or mixed property, which shall come to her by descent, devise, gift of any person, excepting her husband, or which she shall acquire by purchase or otherwise, shall remain her sole and separate property and not be subject to the disposal of her husband, or liable for his debts. Married women, while the marriage relation exists, may bargain, sell and convey their real and personal property, and enter into any

contract with reference to the same in the same manner, to the same extent, and with like affects, as a married man may in relation to his real and personal property. She may sue and be sued, as if unmarried; she may carry on a business or trade, on her sole and separate account. If married out of the State, she shall, if her husband afterwards becomes a resident of this State, enjoy all rights of property which she may have acquired by the laws of any other State, etc., or by virtue of any marriage contract or settlement made out of the State.

New Hampshire.—The husband has no right or control over his wife's property during her natural life, but as his courtesy after her decease, and aside from courtesy and dower, the husband has the same rights as heir to her estate, as the wife would have to her husband's, were he dead and she living. They cannot, however, become indorsers or surety for any person's debt, other than their own. Husbands are not liable for antenuptial debts of their wife, if she were under the age of her majority, and living in her parents' home and not making her own living; but over her majority, the marriage places all liabilities incurred by her upon the husband.

New Jersey.—A married women can hold property both real and personal, since the law of 1875; she can bind herself by contract the same as of age and unmarried, and her contracts may be enforced against her in her own name apart from her husband; but she cannot become an accommodation indorser, guarantor, or surety, nor is she liable on any promise to answer for the debt, default, or liability of any one or other person. Husbands are not liable for antenuptial debts of their wife.

New Mexico.—Husband's creditors cannot reach property owned by the woman at the time of her marriage, and one-half of all property acquired after marriage, but all such property is liable for necessities consumed by the family.

New York.—married women hold their separate property free from the control of their husbands. Their obligations, unless given in a business conducted by them, or for the benefit of their separate estate, are not enforceable, unless expressly charged, at

their privity, with the obligation. They can make power of attorney, execute, acknowledge and prove deeds, as if they were of age and unmarried.

South Carolina.—Married women can control all property real and personal, held at time of marriage, or that which she may afterwards acquire, either by gift, grant or inheritance, devise or descent, without being in any manner liable for the debts of her husband. She can devise, bequeath or dispose of the same apart from her husband, in a like manner and with like effect as if she were unmarried. All debts of the wife before marriage, can be sued and charged upon the joint acquirements of both. Conveyances, contracts or agreements, between man and wife, are regarded as invalid.

North Carolina.—The real and personal property of any female in this State, acquired before marriage, and all property which she may, after marriage, become entitled to, shall be the sole and separate property of such female, and shall not be liable for any debts, obligations or engagements of her husband, and may be devised or bequeathed, and with the written consent of her husband, conveyed by her if she were unmarried. No woman during coverture, unless a free trader, shall be capable of making a contract to affect her estate, real or personal, without the assent of her husband, except for family necessities. Any notes, bonds, indorsations or other suretyship, for her husband or any other person, or persons, are void.

Ohio.—The real and personal estate, and the rents and income thereof, of a married woman, are not subject to her husband's control, or liable for his debts. The wife cannot deed or mortgage, or incumber her real estate, unless her husband joins; but may lease for a term not exceeding three years. The extent of legal liability of a married woman is somewhat uncertain, but generally speaking, she is liable at law, whenever a court of equity would charge her separate estate.

Pennsylvania.—Since 1848 married women retain their real and personal estate, whether acquired before or after marriage, as their own separate property. It is not liable for the debts of the

husband; but if a debt be contracted by the wife for necessities furnished for the support of the family, her property is liable after remedy has been exhausted against the husband. As a general rule a married woman can make a valid contract for the improvement or management of her own separate estate without her husband, but otherwise she cannot; if credit be given her, even though engaged in business, no remedy can be had against her, and the goods sold her cannot be retaken by the vendor. She cannot give a bond, but she can mortgage her real estate to secure a loan, to one not her husband. Her earnings however belong to her husband, and may be taken in execution by her or his creditors unless secured to her by proceedings according to law, and recorded as such, to the notice of such creditors. When a married woman claims property levied upon by the husband's creditors as his, she must show clearly to the court that she owned the same at the time of her marriage, or that she has since acquired it by gift, bequest or inheritance, or it is the property proceeds of such acquired freehold or personalty. Her husband must be a party to all incumbrances and conveyances of her real estate, as to her rights and his of devising property. See wills for the State.

Rhode Island.—Property of a married woman, secured to her use, is not liable for her husband's debts. She may sell her separate goods and chattels, except furniture, plate, and jewelry, and any contract made in regard thereto renders her separate property liable. She cannot by any means, carry on any trade or business, unless her husband is insane, idiotic or civilly dead. Husband is not in any manner liable for the liabilities of his wife prior to their marriage.

Tennessee.—Married women can hold real and personal property separate from their husbands, and which neither the husband or his creditor can in any manner by law control. The husband is responsible for his wife's antenuptial debts (the laws of the State interpret the vow "for better or worse" with all its fullness.)

Texas.—All property, both real and personal, of the husband or wife, owned by him or her before marriage, and that acquired afterwards by gift, devise or descent, as also the increase of all

lands thus acquired, is the separate property of her respectively, provided that the husband shall have, during marriage, the exclusive control of the same. All property otherwise acquired during coverature, by either party, is community property and liable for their joint debts. The husband cannot by bed and board advertisement, exempt himself from the responsibility of her maintenance. The separate estate of both as hereinbefore described, is holden for the maintenance of the family, or improvements upon the same.

Vermont.—(1) As real estate belonging to a married woman is conveyed by joint deed of husband and wife, but she is not bound by any covenant in such a deed, her homestead right, not exceeding \$500 in value, in real estate of husband, kept by him as such homestead, is not affected by his deed thereof unless she join in the acknowledgement and execution of the same, except in case of mortgage, at time of purchase, for balance of purchase money. The rents, issues and products of her real estate, hers before marriage, or becoming such during coverature by gift, grant, devise, or inheritance, the moneys and obligations arising from the sale thereof, and her husband's interest, therein in her right, is exempt during coverature from execution, attachment or trustee process of husband's sole debts with proviso, that such annual products are not so exempt from his liabilities for necessities of wife and family, or for cultivation or improvement of such estate. She must join in conveyance of such interests. A mechanic's lien may be charged upon her real estate, when she assents to a contract to be enforced, and in suit thereon she may be joined with her husband and coverature is no defence. When abandoned by her husband, or when he is in prison, the Supreme Court may authorize her to sell her real estate, and the proceeds may be used by her during his absence for necessary support of her self and family. A chancellor may allow the use and benefit of her real estate apart from her husband, wherein criminal conduct and illusage would warrant a separation or divorce. A married woman can devise her real estate, or any interest therein descendable to her apart from him. (2) *As to personal property*, all personal rights acquired by marriage and possessed under the coverature thereof, by inheritance or distribution, are held by her to her sole and separate use. Stocks or bonds of

any kind, given by parent to daughter, are, with proceeds and dividends thereof, hers, if married, the same as sole, and are not liable for the debts of her husband, except under the same proviso as above in respect to annual products of her real estate. Any married woman whose husband has deserted her, or from intemperance or other cause neglects to provide for her or his family, may in her own name contract and recover for the labor of herself and minor children, and upon petition to County Court may be vested with rights and liabilities of an unmarried woman. The husband shall not be liable upon such contracts made by her. When abandoned by her husband, or when he is in State prison, the Supreme Court may authorize her to sell any personal estate, which shall at the time have come into the community of them both by reason of marriage and which is in the State and indisposed of by him, and the proceeds may be used by the woman for her own and the family maintenance. When her husband is in prison she may transact business on her own account, and sue and be sued as if she were unmarried. Where cause of action accrues during his imprisonment, a married woman can bind her husband as his agent, and also for the necessities he does not provide.

Virginia.—By the laws of 1877, Chap. 329, approved April 4, 1877, the real and personal property of a married woman, owned at the time of her marriage, or acquired by her after marriage, is not liable to the control of her husband or for his debts. Amended by the Acts of the Legislature of 1878, that makes the ownership and liability two distinct rights. Husband cannot be held for his wife's antenuptial debts.

Wyoming Territory.—Married women hold their separate real and personal property, acquired before marriage or after, and its increase, free from control of husband and exempt from his debts. Can devise or bequeath, sue or be sued, and carry on trade as if single.

Wisconsin.—Married women may sell, convey and devise their separate estate both real and personal as single. Husband need not join in deed of wife's separate estate; and the wife need not join in his deeds. The husband is not liable for his wife's antenuptial debts. The wife may sue and be sued separate from her

husband. She can embark in business (but not in co-partnership) on her sole and independent account, and all obligations incurred she is alone responsible for, and all emoluments therefrom are hers.

Washington Territory.—Married women only hold property owned at time of marriage, or acquired afterwards by inheritance, gift, bequeath, devise or descent, free and clear from her husband. All other acquired under coverature is community property. Antenuptial debts are not allowed against husband.

West Virginia.—Married women by the Code of 1868, chapter 1866, all the property real and personal, owned by a married woman at the time of her marriage, or subsequently acquired by her in any way, from any person other than her husband, is her sole and separate property, free from the control and debts of her husband. She can sell, convey and devise, this property, freely as if she were unmarried, provided that, in case of real estate her husband must join in deed. A married woman cannot carry on trade or business unless she is living separate and apart from her husband. All the debts of the wife after she becomes of age, and prior to her marriage, the property of the husband becomes responsible.

DOMINION OF CANADA.

Province of Ontario.—A woman married before 4th of May, 1859, may hold property not then reduced to possession of her husband. Page 1163, Sec. 2, Chap. 125, R. S. O. .

SEC. 3.—A woman married before May 4th, 1859, is liable for the debts of her husband. All married women between 1859 and 1872, may hold property real only, free from the debts of her husband or his control.

SEC. 4.—All married women whose marriage has been since March 2, 1872, may hold any property free from any estate or claim of their husbands, during her life.

SEC. 5. Amends all former clauses and acts and sets forth that all married women previous to the passing of it (March, 1872), can hold their separate estate free from all liability of their husband.

Married women's property is liable jointly with their husband's in all actions of torts. The personal earnings of a married woman are not liable for her husband's debts. A husband is not liable for any antenuptial debts of his wife. Sec. 17, chap. 125, R. S. O.

Any married woman shall be liable on any contract made by her respecting her real estate, as if she were unmarried and of full age. She can be sued and sue in her own name. They can insure their own lives or that of their husbands, can own stocks, and vote at all meetings, may deposit in bank and check out for her own separate account. Can devise all their real and personal property. The rights of antenuptial marriage settlements are valid.

Province of Quebec.—Married women if engaged in business obligate themselves for all that relates to their commercial affairs, and if common, as to property with their husbands, bind the latter; if separate, as to property, they must register a declaration to that effect, unless otherwise stipulated by antenuptial contract of marriage, or by a decree of the court granting separation of property. Husband and wife married without contract of marriage hold their property in common—all kinds of agreements may be lawfully made in contracts of marriage, even those which in any other act would be void, such as the renunciation of successions which have not yet developed, the gift of future property, etc. Married women, separated as to property from their husbands, may own real estate, and can manage and administrate the same independent of their husband. She cannot sell or alienate without his consent in writing, or, upon his refusal, the authorization of a judge. Husbands are liable for the debts of their wives, incurred for the maintenance and support of the common establishment, but not for those of a separate one, if being separated as to property, she having voluntarily left his domicile without legal cause. After marriage, consorts cannot alter marriage covenants, nor confer any benefit on each other except in the matter of life insurance. Women attain their majority at 21 or at marriage. All marriage covenants must be registered within thirty days of the marriage if the husband is a trader, or within thirty days of his becoming a trader, to avail against his creditors in the event of subsequent insolvency.

Province of New Brunswick.—Married women. The real and personal property belonging to a woman before or accruing after marriage, except such as may be received from her husband while married, shall vest in her and be owned by her as her separate estate, and cannot be seized for her husband's debts, but he must join in all conveyances. If wife lives separate and apart from her husband, she can dispose of it in a like manner as if unmarried. If wife abandoned or deserted by husband, shall hold property, carry on business, sue and be sued, as if unmarried, and the husband shall have no interest in or control over her property. Husband is liable for the antenuptial debts, to the extent of what personalty he becomes seized of by marriage, through her.

Province of Nova Scotia.—All personal property owned by the wife at the time of marriage or acquired afterwards (unless trusted for sole benefit) becomes the property of the husband. She may hold real estate in her own name, but cannot make any disposition of it only at her husband's privity (she must "love, honor and obey" all the same).

PART III.—CHAP. IV.

DIVORCE LAWS OF THE DIFFERENT STATES IN THE UNITED STATES AND PROVINCES OF CANADA.

Alabama.—The grounds upon which a decree of divorce can be obtained are as follows: In favor of the plaintiff when the defendant was at time of marriage, physically and incurably incapacitated or impotent; adultery; wilful desertion for two years; imprisonment in penitentiary for at least two years or over where sentence was at least for seven years; commission of crime against nature, before or after marriage; habitual drunkenness. To husband, when wife was pregnant at time of marriage, and unknown to him. To wife, for actual violence on her person. 5478 divorces have been granted by the courts since 1867 to 1886.

Arkansas.—The statute specifies no previous residence; decrees are granted on the following being substantially proved by others than the litigants: Impotency; adultery; desertion for one year; habitual drunkenness; when the defendant commits bigamy; insanity; conviction for the crime of felony. 4665 decrees have been granted from 1867 to 1886 inclusive.

Arizona.—Dissolution of the marriage vows and contracts can be obtained after six months' residence in the territory for the causes, namely: Adultery; wilful desertion for one year, preceding the filing of the application; habitual drunkenness; inhuman treatment; imprisonment for crime. 1856 divorces since its organization as a territory in 1863 to 1886 have been granted.

California.—Civil code of California sets forth the causes for which divorces from the marriage contract can be had as follows: Previous residence not provided; failure to properly provide for one year; adultery; extreme cruelty; wilful neglect of duty; habitual intemperance in opium or other narcotics or liquids; conviction of felony. 12,118 decrees have been granted since 1867 to 1886.

Colorado.—After one year's residence a decree of divorce can be obtained for the following causes: Adultery; wilful desertion for one year next preceding the filing of the application; cruel treatment; non-support for one year. 3241 decrees have been granted from 1867 to 1886.

Connecticut.—Three years' residence is required for right to apply for divorce decree, the causes by law are as follows: Wilful desertion for three years; extreme cruelty; adultery; imprisonment for felony or other crime for life; seven years' absence, during all of which time the defendant has not been heard from; fraudulent contract; habitual drunkenness; any infamous crime, involving a violation of the conjugal duty. The statute does not prohibit the marriage again of the same parties. 3104 decrees have been issued from 1867 to 1886.

Dakota.—The statute provides after ninety days' residence within the territory, divorce decrees can be secured for the following causes: Wilful desertion for one year immediately preceding the application; habitual intemperance; conviction for felony; extreme cruelty; adultery. The number of divorces granted since 1867 have been computed to 1886 and given at 3989.

Delaware.—The violation of the marriage vows; wilful desertion for three years; inhuman treatment; habitual drunkenness; imprisonment for felony. The statute does not provide for prior residence within the state. 1945 decrees have been granted within twenty years from 1867 to 1886.

Georgia.—In order to obtain an absolute decree of divorce, the cause must be tried before two juries; if the first jury finds a bill, it is then continued over until the next term of court, and all the evidence is submitted to a new jury and if they find the facts to warrant a final decree, it is granted. The causes for the same are: Violations of the marriage vows; wilful desertion for three years; mental incapacity at the time of marriage; inhuman treatment; imprisonment for felony; fraudulent contract; habitual drunkenness for two years; living three years with defendant when he (or she) thinks through belonging to a society, regarding the marriage relation unlawful. Decrees granted from 1867 to 1886, 2643.

Florida.—Divorces can be obtained where the parties have lived one year next to the filing of the application within the state, upon the proof of the following causes: Desertion for one year; adultery; intolerable cruelty; imprisonment for crime; indignities that make life burdensome. 7543 divorce decrees have been granted from 1867 to 1886 inclusive.

Indiana.—In all cases the plaintiff must have lived within the state for two years, next preceding the filing of the application for bill of divorce, when upon the proof of the following named causes a decree will issue: Adultery; wilful desertion for two years; nonsupport for two years, when abundantly able; imprisonment for felony; extreme cruelty; impotency at the time of marriage; habitual drunkenness. 25,193 divorces granted from 1867 to 1886, within the state.

Idaho.—A residence within the state by the plaintiff of six months is required. Divorces can be had in cases of—fraudulent contract; failure to provide for two years; adultery; inhuman treatment; wilful desertion for one year; imprisonment for crime; habitual drunkenness. 1065 decrees were granted from 1867 to 1886 inclusive.

Illinois.—A bona fide residence of one year next preceding the application, by plaintiff is imperative, and that no collusion between the parties existed, decrees on the following grounds can be obtained: The Supreme Court has full jurisdiction and for adultery; impotency at the time of marriage; attempt to take plaintiff's life; extreme and wanton cruelty; habitual intemperance; conviction and imprisonment for a felony; wilful desertion for two years; defendant committing bigamy. The law does not prohibit marriage of the same parties again, but would regard it as a good ground to refuse a second application. From 1867 to 1886 there were 36,067 decrees granted, being double as many as any other average state in the Union.

Iowa.—One year's previous residence next preceding the filing of the application for a bill is required by the statute. The following are the causes for which a decree can be had: Adultery by either party previous to marriage, and unknown to plaintiff; conviction of felony before marriage and unknown to plaintiff or after marriage,

but application must be in such case filed during the defendant's servitude; inhuman treatment; wilful desertion for two years; habitual drunkenness. From 1867 to 1886, 16,564 bills were granted.

Kentucky.—Divorces are granted by the district court. The plaintiff must be a resident for one year of the state next preceding the filing of the application. The causes must be established by independent testimony are, viz.: Impotency or malformation such as destroys proper marital relations; living apart without cohabitation for five years; wilful desertion for one year; ungovernable temper; condemnation for felony; concealment from plaintiff of any loathsome disease, existing at time of marriage or afterwards secretly contracted by adulterous living; force, duress or fraud in marriage; settled aversion caused by uniting with any religious society that forbids by its discipline and conduct, alter the marriage contract, and forbids marital relations, tending to destroy all peace and happiness; confirmed drunkenness, of one year's duration, thereby causing a wasting of the estate rendering non-support to wife and family; adultery or lewd conduct indicating in chastity without proof of adultery; pregnancy of wife to other than her husband at time of marriage; imprisonment before marriage and unknown to plaintiff; the contestants can remarry again, but are debarred from further application for second divorce; collusion or confession to petitions are not admitted. 10,248 decrees were issued from 1867 to 1886.

Kansas.—The statute requires plaintiff in an action for divorce to be an actual resident in good faith within the State for one year previous to the filing of the petition, and a resident of the county where the application is filed. The grounds for divorce are as follows: Adultery; gross neglect of duty; wilful desertion for one year; having another lawful wife (or husband as the case may be) living at the time of marriage; impotency at time of marriage; when wife was pregnant at time of marriage, and the same to be the progeny of illicit intercourse; habitual drunkenness; imprisonment for felony or other outlandish crimes, application need not necessarily be filed during servitude. Any person having a decree of divorce in any other state or country, and has become a resident of the State and can effect service of divorce papers upon the de-

defendant within this State, can obtain a divorce valid where the divorce from bed and board was granted. The number of decrees granted from 1867 to 1886 were 8765.

Louisiana.—No decree can be had in this State for: Habitual drunkenness; imprisonment for felony or other crime; failure to provide or cruel and abusive treatment or wilful or voluntary desertion. Decrees are granted for: Adultery by spouse (all women are called spouses and counties are called parishes in this State); public defamation by defendant of plaintiff; attempt of the defendant to take the life of plaintiff. 432 decrees (the lowest in any state in the Union only South Carolina where no divorce court exists) granted in this State from 1867 to 1886. When decrees are granted in this State to plaintiff and if there are any children under age, the court orders a confiscation of any property that defendant may possess for the maintenance of the family. This is discretionary with the chancellor who presides, and is seldom ever imposed.

Michigan.—A full divorce from the chains of wedlock can be obtained by application of the aggrieved party, for adultery; impotency; imprisonment for three years (pardon after divorce does not restore conjugal rights); desertion for two years; habitual drunkenness; where divorce has been obtained by the other party in another state. Divorce from bed and board for a limited time or for life may be granted for the following causes: Extreme cruelty; personal violence; two years' wilful desertion; or on complaint of the wife when husband is able to provide suitable maintenance for her, and neglects so to do. Residence in the State for one year next preceding the application, is necessary or from marriage to the time of making the application, if the marriage was made under the laws of the State. 18,433 decrees have been granted from 1867 to 1886, within the State.

Maryland.—The court of equity has sole jurisdiction. Two years' residence within the State is required in order to avail the benefit of the statute in applications for divorce. The grounds that the court will grant absolute decrees are as follows: Impotency at time of marriage; any cause which renders a marriage void by being under age, having another husband or wife (as the

case may be) living; fraudulent contract; adultery; abandonment uninterrupted for three years; carnal intercourse of a woman with other than her husband, prior to her marriage and unknown to him. *Separation or partial* divorce, without liberty to remarriage, lies for the following causes: Cruel treatment; excessive and vicious conduct; abandonment and non-support for one year. 5324 decrees have been granted within the State from 1867 to 1886.

Maine.—A year's previous residence by the plaintiff admits an application to be made for the following causes in the divorce court: Adultery; extreme cruelty; impotency; utter desertion for three years; failure to provide and maintain the family, no particular time specified; where both parties are guilty of adultery, no divorce can be obtained; the parties can both be witnesses in their own behalf; confirmed vices or habits of beastly intoxication, causing disreputable and notorious defamation are substantial grounds in all cases on the part of either. The courts have issued 4320 decrees from 1867 to 1886.

Massachusetts.—Three years' residence of the plaintiff entitles a right to file a bill for divorce in any of the following causes: Adultery; impotency; extreme cruelty; utter desertion for three consecutive years next to filing of the bill of complaint; confirmed drunkenness for at least one year next preceding the complaint; the wife can secure a decree from husband where he wilfully neglects to provide sufficient maintenance; no decree can be obtained, where it is shown the parties have never lived as man and wife within the commonwealth. Decrees can be procured where either party joins any religious society or body that by their discipline alienates the power and sacredness of the marriage covenants; imprisonment for high crimes. The defendant cannot remarry for two years and then he must receive a license from the court. From 1867 to 1886 the court issued 5689 decrees.

Minnesota.—One year's residence, or being married within the State, is provided by the statute. Divorce decrees are granted for the following causes: Adultery; impotency; cruel and inhuman treatment; where either party after marriage have been imprisoned for any infamous crime; wilful desertion of one party from the other for three years next preceding the application;

abandonment of wife by husband and his neglect to sufficiently provide for her according to his means; habitual drunkenness for the space of one year previous and up to the filing of the application; conduct at variance with true conjugal relations, rendering life and home intolerably unhappy. 6784 decrees have been granted within the past 20 years in this State.

Mississippi.—One year's actual domicile is required within this State. Upon establishing to the satisfaction of the following causes they will relieve the injured party from the marriage estate: Obstinate desertion for two years; habitual drunkenness for two years; adultery; imprisonment; cruel treatment; violence of any kind leaving marks of the same; impotency at time of marriage or afterwards contracted by licentiousness; pregnancy of wife at time of marriage, clandestinely imposed on the husband at time of marriage by previous adultery. The court can make all decrees partial or absolute as they deem proper. From 1867 to 1886 the courts issued 3542 decrees within the state.

Missouri.—The statute makes no provision for previous residence. Divorce decrees issue where any of the subsequent causes are established:—Defendant offering such indignities as make life intolerable; imprisonment for felony; habitual drunkenness for one year previous to the application being filed; adultery; absenting without reasonable cause for the period of one year; living under cruel and abusive treatment. All criminal causes, or adultery which are substantial causes after marriage, are equally good if proven to have existed previous to marriage, and were clandestinely withheld from the plaintiff, and never condoned by the injured party in any way. From the year 1867 to 1886 the courts granted 15,278 decrees.

Montana.—One year's residence next preceding the application is required under the statute. The court grants relief for the following causes: Adultery; impotency at time of marriage; imprisonment for felony; extreme cruelty; wilful desertion for one year; habitual drunkenness. The number of decrees granted from 1867 to 1886 in the aggregate are 3,415.

New Hampshire.—The Supreme Court has jurisdiction.

The causes are as follows: Joining any religious sect that believes marriage unlawful, and refusing to cohabit six months; wilful desertion for three years next preceding the filing of the libel; habitual drunkenness; absence without being heard from for a reasonable time; impotency at time of marriage. One year's previous residence in the State as man and wife shall be proved or no decree can be obtained. The number of divorce bills granted from the year 1867 to 1888 is 2943.

New Jersey.—The Superior Court has jurisdiction. Adultery; habitual desertion for three years; impotency at time of marriage; intolerable cruelty for eighteen months; and all the fraudulent causes, and such as come under the lawful age of understanding, the court dissolves. In cases of desertion three year's prior residence in the State must be shown. Habitual drunkenness, imprisonment for felony, and gross neglect of duty, the court grants bills of separation only.

New York.—Absolute divorce can only be obtained for one cause, viz.: Adultery, subject to the following facts to be proven: Where both parties were residents of the State when the offence was committed; where the parties were married within the State; where plaintiff was resident of the State when the offense was committed and is a resident thereof when the action is commenced, or when the offense was committed within the State, and the injured party—when the action is commenced, is a resident of the State, *Separation* can be obtained from bed and board forever, or for a limited time, when the following causes can be maintained: Cruel treatment by the defendant; conduct on the part of the defendant as may render it unsafe and improper for conjugal relations to exist; neglect of the husband to sufficiently provide, according to his means, for his wife and family. The parties to an action in these causes must establish the following facts, or no bill of separation will be granted: Both parties are resident of the State when action is commenced. When the parties were married within the State and the plaintiff is a resident thereof, when the action is commenced. When the parties have been married without the State, have become residents thereof at least one year, and the plaintiff is such a resident when the action is commenced. Within twenty years from

1867 to 1886, the courts granted 15,355 decrees of absolute divorces for adultery alone; 18,654 for other causes were granted bills of separation in the same period.

Nevada.—The person filing the libel must have been a resident for six months next preceding the filing of the bill for divorce. The causes are as follows: Wilful desertion for one year; adultery; cruel and abusive treatment; habitual drunkenness; failure to provide for one year. Within the last twenty years 1178 decrees were granted.

Nebraska.—Six months' previous residence is required. The causes are namely: Adultery; three years' imprisonment; wilful abandonment for two years; failure to provide, no time specified under the statute. Habitual use of intoxicants; extreme cruelty. 4341 decrees have been granted since 1867.

Ohio.—One year's residence within the State is necessary for a plaintiff in a divorce suit. The courts of common pleas have power to grant absolute divorces for the causes by statute expressed as follows: That either party had a husband or wife living at the time of the marriage from which a divorce is sought; wilful desertion for three years; wilful fraud in marriage contract; cruel treatment; habitual drunkenness and debauchery for three years; imprisonment of either party for crime in state prison (petition for imprisonment must be made while the offending party is undergoing sentence.) The procurement of divorce without the State by husband or whereby virtue of which the party who procured it is released from conjugal relations of the marriage, while the same remains binding upon the other party. The number of divorces granted from 1867 to 1886 were 26,367.

Oregon.—One year's residence previous by the applicant is essential. The following are the grounds whereby absolute decrees are granted: Indignities as render life burdensome, impotency at time of marriage, adultery, conviction for felony, habitual and gross drunkenness, wilful desertion for a period of one year next preceding the filing of the bill. The courts have granted in the last twenty years 1689 decrees.

Pennsylvania.—Plaintiff must be a resident next preceding

the filing of the petition, of the Commonwealth for one year. The Superior courts have full jurisdiction. The causes are as follows: The violation of the marriage covenants; impotency, except the contracting parties were of advanced age at the time of marriage; adulterous and lewd conduct not necessarily required to be proven guilty; indignities that render life burdensome; fraudulent contract; conviction of felony, and sentenced for two years in prison; (action in this last cause must be commenced during the offending party's incarceration). 16,020 decrees have been granted within the last twenty years.

Rhode Island.—Divorce decrees are granted when the plaintiff to the suit has been up to time of filing petition one year a resident of the State, and the proof of any of the following causes: One year's wilful desertion without reasonable cause; where any marriage is originally voidable by law, such as—consanguinity, impotency, idiocy, lunacy, or convicted to life servitude for felony; gross and malicious behavior endangering the life, and destroying the peace and happiness of the plaintiff; failure to provide for the maintenance of wife and family; inhuman treatment; adultery; any gross behavior making it unbearable and repugnant to the plaintiff to live with defendant; the desertion is left to the discretion of the court, the section in the act names five years or in the discretion of the jury; whenever the decrees are granted for affinity, consanguinity, impotency, idiocy, lunacy or crime of either parties, the wife shall have restored to her all her lands, tenements, hereditaments, and a judgment may be passed to restore to her all of such part of the personal estate specifically or the value thereof which has come to the husband's hands by virtue of the marriage, as the court from the circumstances of the case shall deem equitable.

Whenever the divorce shall be occasioned by adultery or other of the causes aforesaid, done or committed on the part of the wife, the husband shall hold the personal estate not secured to her by law, forever, and her real estate not secured to her by law, during his natural life, in case they have had issue born alive of her body during the marriage, otherwise during her natural life only, if he shall survive her. Whenever a divorce is granted for adultery or crime on the part of the husband, the wife shall be entitled to dower

in the same manner as if he were dead, unless the court decree alimony, chargeable upon his estate. Within the interval from 1867 to 1886, 3452 divorce decrees have been granted within the State.

North Carolina.—The petitioner must be a resident of the State for two years next preceding the filing of the same for a divorce. The following are the causes that the courts grant divorces for: The violation of the marriage vows and covenants: *Separation* is granted for imprisonment for crime, non-support, habitual drunkenness, wilful desertion, or any outlandish conduct on the part of either, rendering the home and living a battle-ground or dungeon of miseries. 3609 decrees have been granted since 1867.

South Carolina.—There is no divorce court within this State. This is the only State in the Union that has no divorce court. Separations are granted for about all the greater violations of the marriage covenants.

Tennessee.—The following are the grounds for which the court grants divorce decrees: Wilful desertion for two years, imprisonment for felony, absent and not heard from for two years, violation of the marriage covenants, mental incapacity, refusal of wife to remove into the State, habitual drunkenness. 2435 decrees have been obtained from the year 1867 to the year 1888.

Texas.—Excessively inhuman treatment, rendering the life of the plaintiff unbearable, adultery, impotency, imprisonment for felony, abandonment for one year; no time specified in the statute to be a resident of the State before application. 2673 decrees have been procured during the last score of years.

Utah.—Wilful desertion, not living in peace and happiness, imprisonment for felony, habitual drunkenness, are the causes for which granted.

Vermont.—Both parties must have resided within the State for one year previous to making the application for a bill of divorce, as man and wife. Wilful desertion for three years; failure to provide (no time specified); seven years' absence without being heard from; imprisonment for felony; cruel and abusive treatment; violation of any of the covenants of the marriage contract is good and sufficient

cause for divorce decree to be granted. 3643 decrees have been granted from 1867 to 1888.

Virginia.—The causes that divorces are granted for in this state are as follows: Wilful desertion for five years; a fugitive from justice; imprisonment for felony; adultery; inhuman treatment. Previous residence is not essential. The courts have granted since 1867 over 2000 decrees.

West Virginia.—One year's residence next preceding the filing of the application is required. The causes for which a divorce decree is obtained are as follows: Wilful desertion for three years; imprisonment for felony; husband notoriously immoral before marriage, unknown to wife; adultery; impotency at the time of marriage. 3050 decrees have been granted within the last two census returns.

Wisconsin.—The Revised Statutes of this state under Sec. 2356 provide that any person aggrieved for the offences herein named, who has been a resident of the state for one year, may file an application in the following causes for a bill of absolute divorce: Impotency at the time of marriage; adultery; either party subsequent to marriage has been guilty of felony or other crime that they were convicted and sentenced to imprisonment for three years or more, and no pardon granted after a divorce for that cause shall restore that party sentenced to his or her conjugal rights; for wilful desertion of defendant for the space of one year next preceding the commencement of the action; voluntary or mutual separation for five years, when the treatment of the wife by the husband has been cruel and inhuman, whether practiced by using violence or by any other means; when wife shall be guilty of like cruelty to her husband or shall be given to intoxication or habitual intemperance pronounced by defamation and scandalous appearance and conduct. Sec. 357 provides a partial divorce from bed and board forever or a limited time for cruel treatment, wilful neglect of duty, and for untruthfulness and obscene language and blasphemy. The litigants must be residents of the State for one year in the causes for partial divorce; unless in it as well as in all causes that the marriage was consummated within the State, then in such case any time after the marriage. If proof of forgiveness from plaintiff for adultery can be shown, collusion of the parties, or that the action for divorce on

these grounds has not been brought within three years of the offence having been committed, the court will not grant a decree. 9432 decrees have been granted within the last 20 years.

Washington Territory.—The violations of the marriage covenants; habitual intemperance for two years; wilful desertion for one year; imprisonment for felony; inhuman treatment; are sufficient to establish, for a divorce.

Wyoming Territory.—Sec. 1571 provides that a divorce from the bonds of matrimony may be decreed by the district court of the county where the parties or one of them reside, on the application of the aggrieved party by petition in either of the following cases: Adultery; incompetency; conviction for felony; desertion for one year; habitual drunkenness; extreme cruelty; neglect to provide for one year, which is not the outcome of poverty; intolerable indignities. Any vicious and unnatural conduct, will when fairly established by reputable evidence, void any marriage contract. 856 decrees have been granted in the last 20 years.

PROVINCES OF THE DOMINION OF CANADA.

Province of Ontario.—There is no divorce court within the province. *An Agreement* between the parties for mutual separation and discharge of each other's interest in their own property, or the dower or courtesy, can be lawfully executed and when registered, and the parties live separate, and never knowingly visit, or frequent the domicile or place of residence of the other during the balance of their natural lives, the property both real and personal of each party vests alone in them, the same as though they were unmarried. Application however can be made to parliament for a special act whereby if granted the parties are permitted to remarry, but it's an expensive operation and very few avail themselves of it. Where it is regarded a great evil, the simplicity of the divorce court in the United States, it is equally a great evil, the want of a divorce court in this Province.

Nova Scotia.—Under an old statute of Henry VIII, divorces can be obtained for adultery, cruelty, kindred within degrees prohibited. The court, however, has always declined to grant a de-

creed for other causes than adultery, and relationship prohibited by law. Persons can avail themselves for any good cause by applying to the Federal government for an act of parliament.

New Brunswick.—The same as Nova Scotia.

Northwest Territories.—No means of interfering with the marriage contract, unless by application to the Parliament of Canada for a special act.

Manitoba.—The same as Northwest Territories.

Prince Edward Island.—See Nova Scotia.

Cape Breton.—See Nova Scotia.

British Columbia.—See Northwest Territories.

Quebec.—Same as Northwest Territories.

[NOTE.—The proceedings to obtain an act of Parliament for divorce in Canada are as follows: Notice of application for at least three calendar months must be given in the government official paper, the "*Canada Gazette*," by the solicitors for the plaintiff, and a similar notice published in the nearest publication to the known last residence of the defendant, and upon the opening of Parliament next following, the cause is tried before the judicial committee of the Senate, and if the evidence warrants the recommendation of an act, it is reported to the Senate and an act passed. The plaintiff must deposit all costs on both sides. The hearing is private. The bill, if granted, grants absolute separation and right of plaintiff only, to re-marry.—The Author.]

PART IV.—CHAP. IV.

WOMAN SUFFRAGE IN U. S.

The following is a statement of the situation in the Woman Suffrage movement in the United States on the first of January, 1889 :

Women vote in Wyoming Territory on all questions on the same terms as men. They voted for five years on the same terms as men in Washington Territory, but the Territorial Supreme Court in February, 1887, set aside the woman suffrage law on a technical informality in the title of the act. The Legislature at its next session re-enacted the law. It has again been declared unconstitutional by the Supreme Court of the Territory, this time on the claim that Congress did not mean to include women in the term "citizens" in the enabling act.

They voted on the same terms in Utah, until excluded by the Edmunds law, passed by the Forty-ninth Congress.

Women vote on school questions with more or less restrictions in fourteen States, viz: Colorado, Indiana, Kansas, Kentucky, Massachusetts, Michigan, Minnesota, Nebraska, New Hampshire, New Jersey, New York, Oregon, Vermont and Wisconsin; and also in the Territories of Arizona, Dakota, Idaho, Montana and Washington. At the Boston municipal election, Dec. 11, 1888, about 17,000 women voted for school officers.

THEY HAVE FULL MUNICIPAL SUFFRAGE in Kansas, where in April, 1887, they polled 26,000 votes to 65,435 votes by men. In April, 1888, the women's vote was in about the same ratio to the men's, the number of votes of both sexes being smaller on account of minor importance of the officers to be chosen this year.

Women vote (by petition) on the sale of liquor in Arkansas and Mississippi, and in Texas on choosing school officers.

In 1887, a woman's suffrage amendment to the Constitution of Rhode Island was defeated in the State by a vote of 21,957 to 6,889; the woman suffrage bills were defeated in the Legislatures of Mas-

sachusetts, Michigan, New York and Iowa. In November, 1888, a bill granting to women the full right of suffrage was defeated in the Vermont House of Representatives.

In the Senate of the United States, 49th Congress, January 25, a joint resolution proposing an amendment to the Constitution of the United States, extending the right of suffrage to women, was defeated on the question of going to a third reading, by 16 yeas, to 34 nays. All the affirmative votes were cast by Republican Senators. All the Democratic Senators present voted in the negative, with the following Republicans: Ingalls, Jones of Nevada, McMillan, Morrill, Sawyer, Sewell, Spooner, Williams and Hawley. The prohibition party, in national convention, June, 1888, adopted a declaration in favor of woman suffrage in its national platform, as did also the Union labor party in its national convention at Cincinnati, May, 1888.

WOMAN SUFFRAGE IN OTHER COUNTRIES.

Canada.—Women have municipal suffrage in every province but Prince Edward Island. In Ontario women vote for all officers but members of the Legislatures and Parliament.

Europe.—In England, Scotland and Wales, women (unless married) vote for all elective officers but one (member of parliament) on like terms with men. In Ireland, women vote everywhere for poor law guardians; in Dundalk and other sea-ports, for harbor-boards; and in Belfast for all municipal officers.

In Sweden their suffrage is about the same as in England, and they vote, too, indirectly, for members of the House of Lords.

In Russia, women, heads of households, vote for all elective officers, and on all questions.

In Austria-Hungary, they vote (by proxy) at all elections, including members of provincial and imperial parliaments. In Croatia and Dalmatia they vote at local elections in person.

In Italy, widows vote for members of parliament.

In Finland, women vote for all elective officers.

Asia.—In British Burmah women tax-payers vote in the rural tracts.

In the Madras Presidency and the Bombay Presidency (Hindoostan) they can do so in all municipalities.

In all the Countries of Russia-Asia, they can do so wherever a Russian colony settles. The Russians are colonizing all the vast Asian possessions, and carry with them everywhere the “mir” or self-government village plan, where women, heads of households, vote.

Australasia.—Municipal woman suffrage exists in New Zealand, and the Legislature has decreed that women shall vote for members of parliament. Municipal suffrage also exists in Victoria, New South Wales, Queensland, and South Australia. The parliament of the latter has declared for women voting at parliamentary elections.

Islands.—Iceland, in the North Atlantic, the Isle of Man, between England and Ireland, and Pitcairn Island in the South Pacific, have full woman suffrage. Tasmania, Sicily, Sardinia, nearly 300 islands around Britain, the islands around Australia, Tasmania and New Zealand, and a host of islands elsewhere, have various degrees of partial woman suffrage.

CHAPTER V.

PART I.—Life Insurance Beneficiaries; in what States of the United States, and Provinces of Canada, it is exempt from creditors, and inures to the full benefit of the widow and family. **PART II.**—The Laws of Wills; where wills can be made without witness, and where it requires two, three, four and five; where every heir must be acknowledged by a bequest, and where every heir can be disinherited; where the widow takes one-half of all property, and where she can be cut out of all interest in the estate of her husband; holograph wills; noncupative wills; where minors can bequeath personal property; the traditional customs, in making wills, of Quebec and Louisiana.

PART I.—CHAP. V.

LIFE INSURANCE BENEFICIARIES.

Alabama.—A life insurance for the benefit of wife and children is exempt from any debt or engagement, torts or damages against husband, when the annual premium paid does not exceed \$500; where the premium does exceed \$500, then so much as \$500 will annually purchase is exempt.

Arkansas.—Life insurance, other than endowment policies, payable to the insured himself, is exempt from all claims.

California.—Life insurance made payable to the benefit of an estate or endowment payable to the insured, are liable for the debts of the debtor. Insurance made payable to the benefit of the wife and family, only what is in excess of an annual premium of \$500, can be attached by creditors.

Connecticut.—The charters of all companies in this State provide that policies made payable to heirs-at-law cannot be held for debts of insured. Endowment policies, when payable to insured himself at a stated period, can be held or any credit or interest therein, in a like manner as money in a savings bank. Foreign companies doing business within the State would be held by the laws governing them where chartered. Benefits from local benevolent

societies cannot be taken in execution or held for the member's debt; it inures to the family of the deceased.

Colorado.—Life insurance wholly exempt from the liabilities of the insured, when effected for the benefit of the family; in other respects the general law exists.

Dakota.—There is no express provision in the codes of the Territory, but the attorney-general is of the opinion it is wholly exempt when payable for the benefit of others.

Delaware.—Same as Maryland.

District of Columbia.—Same as Maryland.

Florida.—Life insurance purchased while solvent, and payable to the benefit of the family in case of death or otherwise, is exempt from the claims of insured's creditors; otherwise it is the same as any other property.

Georgia.—Life insurance payable "to the estate of the insured," ranks like all other assets in the Probate Court, and consequently liable for the debts of the deceased. Endowment policies in the hands of a third party, or when payable to a third party, are exempt; otherwise liable. All beneficiaries of all societies and mutual protection, are wholly exempt from the claims of creditors; the beneficiary goes to the deceased's family.

Illinois.—Beneficiaries payable to others than the insured are not liable in any way, so long as no fraud can be shown in the payments of the premium. Insurance payable by endowment policies are governed by the laws where they are chartered to a certain extent, otherwise the creditors of the insured; if the court was satisfied that the money applied to the payment of the premiums was community earnings between the insured and the beneficiary, they would hold it for the benefit of the creditors.

Indiana.—In the case 51, Ind. 24, Hutson vs. Merrifield, the court held: "A policy of life insurance is a chose in action, and will vest at the death of the party holding it, in his heirs, subject to his debts."

Iowa.—Life insurance made payable to others than insured,

has never been taken in execution by creditors under any circumstances. It is regarded as wholly exempt.

Kansas.—Life insurance beneficiaries can only be held good when the insured is solvent and able to pay his premiums without detriment to his lawful creditors. Exemptions, such as a broad and liberal construction of a debtor's rights to his family, will, however, be commonly allowed.

Kentucky.—The proceeds of a life policy in the hands of named beneficiary has the legal status that any other personalty has; that is, it is exempt when other funds would be, and liable not to execution, but to attachment and garnishment where other funds of debtor's purchase or investment would be.

Louisiana.—Life insurance for the benefit of the family is exempt, and in case of endowment payable to or for the benefit of others than the insured.

Maine.—Sec. 94. Life and accident policies, and the money due thereon are exempt from attachment, and from all claims of creditors, during the life of the insured, when the annual cash premium does not exceed \$150; but when it exceeds that sum, and the premium was paid by the debtor, his creditors have a lien on the policies for such sum over \$150 a year, as the debtor has paid for two years, subject to any pledge or assignment thereof made in good faith.

Massachusetts.—Section 73, chap. 214 of 1887, provides that when a policy is made payable to some person else, besides the insured, such person shall be entitled to its proceeds against the creditors of the person effecting the same. However, if fraud, or the insured has paid out premiums contrary to the statute of exemptions, creditors can make attachment.

Maryland.—Life insurance is not liable to execution or attachment, when held or payable to other than the insured.

Minnesota.—Without fraud, life insurance made payable to the benefit of wife or family, or to other than the insured, is wholly free from the liability of a debtor.

Mississippi.—Creditors cannot by law get any lien on the

policies of insurance, when not endowment and payable to the insured.

Michigan.—Sec. 23.—It shall be lawful for any husband to insure his life for the benefit of his children, or of any one or more of them; and in case that any money shall become payable under the insurance, the same shall be payable to the persons for whose benefit the insurance was procured, his, her, or their representatives, or assigns, for his, her, or their own use and benefit, free from all claims of creditors; and any married woman, either in her own name or in the name of any third party as trustee, may cause to be insured the life of her husband, or of any other person, for any definite period, or for the term of life, and the moneys that may become payable on the contract of insurance shall be payable to her, or her representatives or assigns, free from the claims of the representatives of her husband, or of such other person insured, or of any of his creditors; and in any contract of insurance it shall be lawful to provide that on the decease of the person for whose benefit it is obtained, before the sum insured shall become payable, the benefit thereof shall accrue to any person or persons designated; and such other person or persons shall, on the happening of such contingency, become the lawful owners of the policy of insurance, and entitled to enforce the same to the full extent of its terms, notwithstanding he or she may not at the time have any such insurable interest as would have enabled him or her or them to obtain a new insurance. 4238, R. S. M.

Missouri.—Life insurance is not exempt, if the insured is not solvent while investing money in it. The law provides liberally by setting apart property exempt from creditors, without life insurance, but if solvent any money invested in it when payable to other than insured, is exempt by law.

Montana.—Same as Missouri.

New Hampshire.—Life insurance is attachable the same as any other property subject only to the exemptions provided by law. (See exemptions for the State.)

North Carolina.—There is provision by statute, but it would be held under the general law as other investments, subject to the

equity of claims against the holder whether the insured or a third party.

Nebraska.—The same as Minnesota.

New York.—Life insurance is exempt and unattachable by creditors, when payable to others than the insured.

New Jersey.—Life insurance would only by their policies be paid to payee. Letters of administration would be taken out in case of a person dying intestate, and insurance paid to the administrator, who would have no alternative but to apply it to the liquidation of deceased's debts alike with any other property. Life insurance is not attachable in any other manner.

Pennsylvania.—Section 25, of the act passed in the year 1873, provides that a policy of insurance issued by any company incorporated under the act, on the life of any person expressed to be for the benefit of any married woman, whether procured by herself, her husband, or any other person, shall inure to her separate use and benefit, and that of her children, independently of her husband or his creditors, or the person effecting the same or his creditors. If the premium is paid by any other person in order to hold as security, they only have a lien upon the policy to the amount of premiums so paid with legal interest. If the premium is paid to defraud lawful creditors, the same is subject to all equities as any other property or investments would under similar impeachment be.

Ohio.—Section 3628 provides: Any person may effect an insurance on his life, for the benefit of his widow or children, or of either, for any definite period of time, or for the term of his natural life. Such insurance shall inure to the sole benefit of the party or parties to whom it is made payable; and the sum or net amount of insurance becoming due and payable by the terms of insurance shall be payable for their own use and exempt from all claims by the representatives and creditors of such person; but the amount of premium annually paid on such policy shall not exceed the sum of \$150, and, in case it does, there shall be paid to the beneficiaries named in the policy such portion of the insurance as the sum of \$150 will bear to the whole annual premium, and the residue to the representatives of the deceased. Insurance, however, made payable

to the insured's estate, would be treated as any other property he might be possessed of, and inure to the benefit of his creditors.

Tennessee.—Same as North Carolina.

Texas.—Life insurance under the statutes is wholly exempt from attachment or execution, when in the hands of a third party or made payable to other than the insured.

Vermont.—Life policies payable after death not specially made payable to any person, go into the estate along with all other assets, and are accordingly distributed in a like manner as other assets. Policies made payable to wife or certain persons cannot be reached by trustee process or execution. Policies made payable during the life of the insured and payable to him or his estate, can be trusted under the general laws of trustee process.

Virginia.—When payable to wife and family, is wholly exempt from creditors. If payable to the insured or in any other manner whereby it is an investment or payment that can be regarded as giving to the insured an undue advantage over his creditors or to some one of his creditors, it is subject to all the equities at law that inure to the benefit of any insolvent's estate.

Wyoming Territory.—No statute regulating life insurance. It does not, however, come under the ordinary assignment of an insolvent's estate unless specially mentioned.

Wisconsin.—Nothing under the statute empowers creditors to reach life insurance in any way, when payable to others than insured, and even to his estate it inures to the full and independent benefit of his wife and family.

Washington Territory.—See Vermont.

West Virginia.—See Virginia.

DOMINION OF CANADA.

Provinces of Ontario.—Life insurance moneys are liable to be taken by creditors, unless made expressly for the benefit of wife and children, or assigned expressly for their benefit.

Province of Quebec, Nova Scotia, New Brunswick, British Columbia and Manitoba, are all the same as Ontario.

PART II.—CHAP. V.

WILLS.

Alabama.—All persons of age and sound mind may devise their real estate by will. Any person or corporation may take under a will, if capable of holding real estate. All persons over 18 years of age may lawfully bequeath personal property.

THE MARRIAGE of a woman revokes her will ; the marriage of a man does not, unless a child is born, when in such case the child will take all except the dower of the widow, which is as follows: (1) Upon the death of the husband the wife has an interest for life in a certain portion of the following real estate of her husband, to which she has not relinquished her right during the marriage; (2) Of all lands of which the husband was seized in fee during marriage; (3) Of all the lands of which another was seized in fee to his use; (4) Of all lands to which at the time of his death, he had a perfect equity, having paid all the purchase money thereof. The quantity of the dower interest is as follows: (1) When the husband dies leaving no lineal descendants, and his estate is not insolvent, his Widow is entitled to be endowed of one-half of his lands: (2) If in such case his estate is insolvent, to one-third thereof; (3) When there are no lineal descendants, then to one-third part thereof, whether the estate is insolvent or not. The wife, whether residing in this State or not, or whether of full age or not, may relinquish her dower by joining in the conveyance with her husband, or subsequently to such conveyance by a separate instrument releasing her dower; her signature in either case to be attested by two witnesses, or be acknowledged by her before an officer authorized to take such acknowledgments. The wife is *not entitled to dower interest if her separate estate equals or exceeds her dower interest*, and her distributive share in her husband's estate, estimating her dower interest at seven years' rent thereof. If the separate estate be less than her dower, so much must be allowed her, as, with her separate estate would equal to her dower and distributive share in her husband's estate. This refers to the wife's statutory estate, not the equitable. 71 Ala. 536.

A DEBTOR IS NOT RELEASED by being made an executor.

A WIDOW MAY DISSENT from will and claim dower instead.

THE WILL MUST BE SIGNED by the testator or by some one in his presence and upon his express direction, and must be attested by two subscribing witnesses in the presence of the testator.

NUNCUPATIVE WILLS to the value of \$500 may be probated, but not after six months from the making of the same, unless the words testamentary were within six days reduced to writing and the same made in the last sickness of deceased.

Arkansas.—Males of the full age of 21 years and females of the full age of 18 years, of sound disposing mind and memory can devise and bequeath by last will and testament all their personal and real estate of whatsoever kind.

MINORS CANNOT bequeath or devise any property whatsoever.

EVERY WILL MUST BE WITNESSED by two witnesses excepting the nuncupative and holograph wills hereinafter described; the witnesses must be present when the will is signed by the testator or testatrix and at his or her request, and subscribe their names in the presence of the maker and each other. An executor may be a legatee, but by the provisions of the old statutes legatees are precluded from being witnesses, but this seems to be on account of interest, and this, as a disqualification, was partially removed by the statutes of 1874. Man's Digest still regards the effect of the old statute and interprets the making of a legatee in a will as a full bar to his or her portion, if not a revocation of the whole will.

ALIENS have the full liberty of citizens.

MARRIED WOMEN can dispose of their estate real or personal, without interference of their husbands.

MARRIAGE DOES NOT REVOKE a will made by either husband or wife. The birth of a child by the marriage does void the will.

A TESTATOR CAN DISINHERIT all his children, but each child must, by their Christian names in full, be given in the will as follows: "I make no bequest or devise of any part or portion of my real or personal estate to my son Walter, Richard or William, or to my daughter Sarah Ann, etc." But his wife's dower he cannot exact by any devise in lieu of it or otherwise.

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NUNCUPATIVE WILLS can be made by soldiers, (in active service) sailors, and persons upon their death bed, where no time or persons qualified to draw a will is at hand, to the amount of personalty of \$500.

HOLOGRAPH WILLS bearing the signature of the testator and wholly written in his or her writing, by the identification of the writing and the name, verified by three witnesses, can be accepted.

TESTATOR DYING INTESTATE, one-half of his personal absolutely, and one-half of the real estate for his widow's natural life benefit, is all she takes if he has no born and living issue. If he dies testate his widow takes the same as it is the statutory dower. If a married woman dies intestate and without issue, the husband takes all her personal in fee but only a life use of her real estate. If she has living issue and dies testate, she can exect him from everything.

Connecticut.—All persons of the age of eighteen years, and of sound mind may dispose of their estate by will. No will or codicil will be valid to pass any estate unless it be in writing, subscribed by the testator, and attested by three witnesses, each of them subscribing in his presence.

WILLS EXECUTED ACCORDING TO THE LAWS OF FOREIGN COUNTRIES will be effectual to pass estate of the testator in this State.

DEVISE OR BEQUEST TO A SUBSCRIBING WITNESS, to the husband or wife of such subscribing witness, will be void unless the will is otherwise legally executed or such legatee be an heir of the testator. If, after making the will, the testator shall marry, or if a child is born to the testator and no provision is made in the will for such contingency, such marriage or birth will operate as a revocation of such will.

ALIENS residing in the United States and subjects of France, may hold and transmit lands; other non resident aliens may hold and transmit lands for mining and quarrying purposes, but if such lands remain without being used for such purposes for ten consecutive years the title thereto will be forfeited.

Colorado.—All wills must be reduced to writing, and signed by the maker in the presence of two witnesses and subscribed by the witnesses in his presence and the presence of each other.

ALL MALES OF THE AGE OF TWENTY-ONE YEARS of sound disposing mind, can will their real estate, and all persons of sound mind and of the full age of 17 years can will their personal property.

A MARRIED WOMAN can only will one-half of her real estate without her husband's consent.

A MARRIED MAN cannot deprive his wife of more than one-half his property by will.

IT IS OPTIONAL WITH THE WIDOW to take under a will, or to have one-half of her husband's estate; if there are no children and no will the surviving husband or wife, takes the whole property.

FEMALES ARE OF AGE at eighteen and are then only fully competent to devise or bequeath real estate by will.

MARRIAGE, OR THE BIRTH OF A CHILD revokes all wills.

A WITNESS cannot accept a legacy, and a legacy to a witness is void insomuch, but does not otherwise invalidate the instrument. *Nuncupative* wills are available in law, when made in the last sickness and reduced to writing within five days.

California.—Males and females (married or unmarried) of the full age, which is twenty one years for males and eighteen years for females, of sound mind, can make a valid disposition of their personal and real property by their last will and testament; males of the full age of eighteen can dispose of personal property by will; females under age cannot. Holograph wills can be established.

MARRIED WOMEN can dispose of their separate estates, whether real or personal, by will in the same manner as if unmarried.

EVERY WILL MUST BE IN WRITING and signed by the maker in the presence of two witnesses, who must in the presence of each other subscribe their names as witnesses thereto (unless the maker cannot write, in which case he or she makes a mark).

IF A MARRIED MAN DIES INTETATE and without issue, his widow takes one-half of all real property he died seized of; if he dies testate and with issue, she takes one-half of all community property which is as follows: "All property owned by the husband or wife before marriage and that acquired afterwards by gift, bequest, devise or descent, with the rents, issues, and profits, is the separate

property of a married woman; all earnings and accumulations of the wife and her minor children living with her and in her custody, while she is living separate from her husband, is her separate property; all property acquired after marriage by either husband or wife during cohabitation, is community property other than the separate property hereinbefore excepted."

IF A MARRIED WOMAN DIES INTTESTATE AND WITHOUT ISSUE the husband if he survives her, is entitled to all community property and one-half of her separate property.

IF A TESTATOR MARRIES AND HIS WIFE SURVIVES HIM, the will is revoked unless provision is made for the wife by antenuptial contract. The birth of a child revokes a will made by the father or the mother or both, unless so drawn as to provide for such child, as a possibility. A will executed by an unmarried woman is revoked by her subsequent marriage, and is not revived by the death of her husband.

A WILL MUST BE FILED FOR PROBATE within thirty days after the information that the maker thereof is dead.

PROBATION AND ADMINISTRATION. See Michigan.

Dakota Territory.—Every person, including married women, of sound mind and over eighteen years of age, may by will dispose of his or her estate, both real and personal. A will must be in writing and subscribed at the end thereof by the maker, or some person so signing it at the request of the maker and in his or her presence, and the person so signing for the maker must also subscribe as one of the witnesses. The subscription must be made in the presence of the attesting witness or be acknowledged by the testator to have been made by him or by his authority along with another witness. The testator or testatrix must at the time of subscribing or acknowledging the same declare to the attesting witnesses or witness that the same is his last will and testament. Each of the attesting witnesses must be credible and having no interest whatsoever in the devise or bequests of the will, and each of whom must sign his name as witness at the end of the will, at the testator's request and in his presence, and must also subscribe their respective places of residence.

DESCENT AND DISTRIBUTION OF PROPERTY. If the decedent leave a surviving husband or wife and only one child, or the lawful issue of one child, in equal shares to the surviving husband, wife and child, or the issue of such child. If the decedent leave surviving husband or wife, and more than one child living, or one child living and the lawful issue of others, one-third to the surviving husband or wife, and the remainder to his children, and the lawful issue of his deceased children, in equal proportions. If there be no child of the decedent living at his death, the remainder goes to all his lineal descendants. If in the same degree of kindred they share equally, otherwise according to their right of representation. If the decedent leaves no surviving husband or wife, but leaves issue, the whole estate goes to such issue, if living, or in equal parts to those living, and to the issue of such child or children if deceased, by right of representation. If the decedent leaves no issue the estate goes in equal shares to the surviving husband or wife, and to the decedent's father. If there be no father one-half goes in equal shares to the brothers and sisters of the decedent, or their children by representation. If he leaves a mother she takes an equal share with the brothers and sisters. If he leaves no issue, nor husband nor wife, the estate goes to the father. No issue, or husband, or wife, nor father or mother, then in equal shares to the brothers and sisters, and to the children of any deceased brother or sister by right of representation. If the mother survives she takes equal shares with the brothers and sisters. If he leaves no issue, nor husband, nor wife, nor father, and no brother or sister alive at the time of his death, the estate goes to the mother in exclusion of the issue of any of the deceased brothers and sisters. If decedent leaves surviving husband or wife, no issue, no father nor mother, nor brother or sister, the whole estate goes to the surviving husband or wife. If neither issue, husband, wife, father, mother, brother, sister, his estate goes to next of kin in equal shares. If several children and one child die, under age, not having been married, all the estate which came to such child by inheritance descends in equal shares to the other children of the same parent. If the decedent leaves no husband or wife, or kindred, the estate goes to the Territory for the support of common schools.

ALIENS may take by succession or otherwise, hold and dispose of property, real and personal, the same as citizens.

District of Columbia.—No will, testament, or codicil is effectual, for any purpose whatsoever, unless person making the same was at the time of its execution or acknowledgment, of sound mind, and capable of disposing and making a valid contract. Male persons of the full age of twenty-one years, and females of the full age of eighteen years, may make a valid will as to interest or estate in land, tenements devisable by law or incorporeal hereditaments.

ALL DEVISES AND BEQUESTS of lands or tenements devisable by law, must be in writing, and signed by person devising the same, or by some other person in his presence, and by his express directions, and must be attested and subscribed, in presence of said devisor, and *four credible witnesses*.

DOWER CAN BE BARRED by jointure of settlement before marriage. Widow not dowable of lands of which husband was possessed, but to which he had no legal title.

Florida.—Every person of the full age of 21 years, being of sound mind, shall have power by last will and testament, in writing, to devise and dispose of his or her lands, tenements and hereditaments, and of his or her estate, right, title and interest in the same, in possession, remainder or reversion at the time of the execution of said will and testament; *provided*, that every such last will and testament shall be signed by the testator or by some one in his or her presence, and by his or her express directions, and shall be attested and subscribed, in the presence of the said testator or testatrix, by three or more witnesses, or else it shall be utterly void and of no effect.

A married woman may dispose of her separate property, both real and personal, by last will and testament, in the same manner as if she were not married.

FOREIGNERS have the same rights as to the ownership, inheritance and disposition of property, in this State, as citizens.

ALL PROPERTY means what the testator or testatrix is possessed of at the date of the execution of the last will and testament.

EVERY HEIR need not be mentioned or receive a moiety, because all heirs under intestate estates take share and share alike; but by will each legatee takes as purchaser, and none receive except those who come within the general provisions or particular expression of the will.

WITNESSES cannot be legatees, or executors cannot act if they have any interest by way of being partners or jointly interested in any real or personal property of the testator or testatrix.

PROBATE OF WILL. Last wills and testaments, both of real and personal property, may be admitted to probate upon the oath of any person appointed executor or executrix thereto, or where no executor or executrix is appointed, if any other credible person having no interest under the will, that he or she verily believes the writing exhibited as the last will that the testator or testatrix made, and to be the true last will and testament of the deceased, which probate may be granted in term or vacation by the several judges of the County Court.

Probate is conclusive evidence of validity as to personalty, and *prima facie* evidence as to realty. Probate of wills duly obtained in other States or foreign countries relating to property in the State, will, by duly being attested before foreign probate courts, seal and certification, be admitted and given the same effect as wills executed within the State. *Administration.*—See North Carolina.

Georgia.—All wills (except nuncupative) must be in writing; the testatrix or testator must be of sound mind and of full age; no particular words or form is necessary. The maker must sign the same, or by some other person in his presence, and by his express directions, and shall be attested and subscribed in the presence of the maker, by three competent witnesses.

MARRIED WOMEN AND ALIENS possess all privileges of other citizens to dispose of their real and personal property by will.

THE LAW OF NON-RESIDENT administrator applies to non-resident executor or executrix. (Aliens and non-residents are not qualified to act.)

WIFE'S DOWER is the right of a wife to an estate for life in one-third of the lands, according to valuation, including the dwelling house (which is not to be valued unless in a town or city), of

which the husband was seized and possessed at the time of his death, or which the husband obtained title in right of his wife.

DOWER MAY BE BARRED by the following provisions when made prior to marriage and accepted by the wife after the husband's death, expressly in lieu of dower; or when the intention of the husband is plain and manifest that it shall be in lieu of dower: By election of the widow to accept a child's part of the real estate in lieu of dower; by the election of the widow or a failure to apply for dower within seven years from the death of her husband; by joining in a deed with her husband to lands, the title to which came through her; or by adultery of the wife, unpardoned by her husband. The widow is entitled to the dwelling house and furniture from the death of her husband until the dower is assigned and her portion of the furniture is set apart. No lien created in any manner by the husband during his lifetime, acts, though consented to by his wife, shall in any manner interfere with her right to dower.

Iowa.—Aliens, married and unmarried women, and every male of full age and sound mind can make a will. Males 21, females 18. Every will must be in writing and two witnesses must subscribe to attest. *Witnesses cannot be legatees.* Only the persons and children named in the will can inherit, excepting a posthumous child, which inherits the same interest as though no will had been made. A will holds good (contingently) from the date of its execution; marriage subsequent thereto, modifies it, as the wife inherits one-half of the testator's estate if he dies without issue, and one-third if with issue, and the unborn child or children as shown above. The will is revocable during the life of testator. Where the husband dies intestate the wife receives one-third and the residue is distributed share and share alike.

ADMINISTRATION.—See Michigan.

Indiana.—Testator must be 21 years of age, of sound mind, may devise by last will and testament, any interest descendable to their heirs, which they may have in any lands, tenements or personal property. A married woman can devise her property without any concurrence of the husband. An Indian not a citizen may make a will. Children may be wholly disinherited by a will. A promise to another of a legacy or testamentary provision to be made in his

favor upon valuable consideration, may, if not complied with, be enforced against testator's estate. (See *Frost vs. Tarr*, 53, Ind. 390.) The marriage of a man or of a woman does not revoke a will, but the birth of a child unprovided for therein, has such effect. Wills must have two witnesses as competent as the testator, who must witness the attest. If the witnesses should become afterwards incompetent, this will not invalidate the will. Persons can make nuncupative (not written) wills where it is in their last sickness and the value of the property bequeathed does not exceed \$100. This must be taken down in writing by some one in the presence of two witnesses and filed within fifteen days after the decease of the deviser. No will made within the State can be probated in any other State. Wills devising lands in foreign countries or outside the State, are held subject to the laws of such countries and such States. Wife has no dower in lands and husband no courtesy in his wife's estate. Wives take by descent from husband's intestate estate as follows: One-third of his real estate free from all demands of his creditors; where the property exceeds \$10,000 in value, one-fourth; where it exceeds \$20,000 one-fifth. Husband is by descent from wife entitled to one-third of her estate. If husband die and leave one child, then the estate is divided share and share alike between his widow and child.

ADMINISTRATION.—See Michigan.

NOTE.—By an act of the legislature, taking effect July 18th, 1885, the right of an alien is restricted to acquiring title by devise or descent, and the property so acquired must be disposed of within five years; but aliens residing in Indiana, who have given notice of their intention to become citizens of the United States, are not so effected.

Illinois.—Wills must have two or more witnesses, who must sign in the presence of testator, in presence of each other, and at his or her request. Testator or some one for him or her must sign and attest will in the presence of each witness. The statute says: "Every male person over twenty-one and every female over eighteen, of sound mind, etc., may make a will of his or her property." Aliens can make wills as well as citizens. Married women can dispose of their property same as if unmarried and with-

out any restrictions. *Marriage* in all cases revokes a will. Child born after execution of will does not revoke will unless it appears from will that the testator intended to disinherit such child, the devises and legacies shall be abated in equal proportion to raise a portion for said child equal to the portion it would have taken had the estate descended intestate. It is not essential for validity to have every child mentioned in a will. Married women can make wills independent of husband's interest, but not so as to deprive him of his dower right, excepting as follows: Any provision in a will of husband, or of wife by husband, will bar the dower of the surviving party unless otherwise expressed in the will, but if done within one year after date of letters testamentary, the survivor may in writing to the County Court, remove the provisions in the will allotting some consideration in lieu of the dower, and thereby take dower under the statutory provisions; but in no case can both be held. A devise or bequest to a witness is void and will void the instrument unless two other witnesses besides the one being a devisee are subscribed to the will. If devisee named in a will being a child or grandchild of testator, die before testator, and no provision is made for such case, the issue shall take such interest; if no issue, that devise or legacy becomes a separate intestate estate.

Persons of the age of 17 may be appointed executors. Where party knows he is executor, it is his duty to present will to County Court within thirty days for probate. Where witnesses live in county they must appear in court and testify concerning the execution of said will; where witnesses reside out of the county or State, commission may issue under seal of court to take proof. In case witnesses are both dead, outside proof of handwriting of testator and witnesses may be made. If testator leaves visible estate more than enough to pay debts, he may direct that his executors be not required to give bond, otherwise bond in double the value of estate is required. Executors and administrators have two years to settle estate, and claims may be filed any time within that period.

ADMINISTRATION.—See Michigan.

Kansas.—Wills may be made by any person of full age and sound mind and memory, and having an interest in real or personal property. - Must be in writing and signed at the end thereof by

party making the same, or by some other person in his presence and by his express direction, and shall be attested and subscribed in the presence of such party by two or more competent witnesses, who saw the testator subscribe or heard him acknowledge the same. Must be proved in Probate Court, and is subject to contest by action in the District Court of the county in which it was probated, except foreign wills, if they have been contested where proven, cannot be contested here. Such action must be commenced within two years after probate of the will.

NUNCUPATIVE WILL made in the last sickness is valid as to personal property, if reduced to writing, and subscribed by two competent witnesses having no interest in the bequeath, within ten days after the speaking of the testamentary words, and it be proved by said witnesses that the testator was of sound mind and memory and not under any restraint, and called upon some one present at the time the words were spoken, to bear witness to such disposition as his will.

NO MARRIED PERSON CAN BEQUEATH AWAY from the other (husband or wife) more than one-half of his or her property, without the consent of the other in writing before two witnesses.

AUTHENTICATED COPIES OF WILLS executed and proved according to the laws of another State relative to property in this State, may be admitted to record in the Probate Court of any county within the State where any part of the property may be situated—and thereafter it shall have the same operation and effect as if originally proved and allowed within this State.

ALIENS. The constitution of this State provides that no distinction shall ever be made between citizens and aliens in reference to the purchase or disposition of property, or its descent by will.

Kentucky.—Every person of sound mind not being under twenty-one years of age, nor a married woman, may by will dispose of any estate, right or interest in real or personal estate that he may be entitled to at his death, which would otherwise descend to his heirs or pass to his personal representative, and though he may become so entitled after the execution of his will.

A PERSON UNDER TWENTY-ONE YEARS OF AGE, may make a will in pursuance of a power specially given to that effect ;

and a father (the testator) may appoint by will a guardian to his child, although he be under age himself.

A MARRIED WOMAN may by will dispose of any estate secured to her separate use by deed or devise, as in the exercise of a written power to make a will.

NO WILL SHALL BE VALID UNLESS IT IS IN WRITING, with the name of the testator subscribed thereto by himself or by some other person in his presence and by his direction, and moreover if not wholly written by the testator, the subscription shall be made or the will acknowledged by him in the presence of at least two credible witnesses, who shall subscribe the will with their names in the presence of the testator.

NO APPOINTMENT MADE BY WILL IN EXERCISE OF ANY POWER shall be valid unless the same is executed that it would be valid for the disposition of the property to which the power applies if it belonged to the testator, and every will so executed, except the will of a married woman, shall be a valid execution of a power of appointment by will notwithstanding the instrument creating the power expressly requires that a will made in execution of such power shall be executed with some additional or other form of execution or solemnity.

NUNCUPATIVE WILLS. A soldier in actual service or a mariner at sea may dispose of his personal estate by an unwritten will made within ten days of his death, and in the presence of two competent witnesses present at the same time, and called upon by him to witness his intention, if the testamentary words or their substance be reduced to writing, and subscribed by one of the witnesses within sixty days next after they were spoken.

FOREIGN WILLS. A will executed according to the law of the domicile out of the State is valid as to personal property.

MARRIAGE revokes a will except when made in exercise of power of appointment of an estate which would not in default of such appointment pass to his or her heirs, personal representative, or next of kin. A will once revoked must be re-executed or a codicil executed in the manner hereinbefore required to be binding.

A CREDITOR MAY ATTEST a will, though it charges his estate with the debt. If a will is attested by a person to whom or to

whose wife or husband any beneficial interest in any estate is thereby devised or bequeathed, if the will may not be otherwise proved, such person shall be decided a competent witness; but such devise or bequest shall be void; except, if such witness would be entitled to any share of the estate of the testator in case the will were not established, so much of his share of the estate shall be saved to him as shall exceed the value of what is devised or bequeathed under the will.

NO PERSON ON ACCOUNT OF HIS BEING EXECUTOR of a will, shall be incompetent as a witness for or against the will.

Louisiana.—Aliens, married women and minors of sound mind over the ages of 16 can make wills of personalty. All persons devising real property must be of age. Males 21 and females 18.

MARRIED WOMEN cannot dispose of their separate estate only subject to their husband's courtesy, or such protection in certain cases as the courts will grant.

TESTATORS need not mention every heir in their will, but the rights of the widow in all community property cannot be abridged. Widows take one-half of all community property.

THE ATTEST of a will must be witnessed by at least two subscribing witnesses that are not legatees, unless that the testator goes and acknowledges his hand and seal before a notary. In such cases the attest of the notary will be sufficient evidence. Holograph wills can be established by proof of the same being genuine.

NUNCUPATIVE WILLS are only accepted by sailors, and persons whose vocations are limited or restricted by similar service either upon the high seas or in defence of their country.

Massachusetts.—(1) Every person of full age and sound mind may by his last will in writing dispose of his estate, both real and personal. This applies to both sexes, married or unmarried. Full age in this commonwealth is twenty-one years for both sexes.

A MARRIED WOMAN may make a will in the same manner and with the same effect as if she were single; but without her husband's written consent she cannot by such will deprive him of tenancy by the courtesy in her real estate; or of the right to the use of one-half of such real estate for his right and use during his nat-

ural life, if they have had no issue born alive; or of her real estate in fee not exceeding five thousand dollars in value where no issue was born to them alive, besides his said life estate by courtesy in her other real estate, or in one-half thereof in case no issue survives her, or more than one half of her personal estate. A married woman deserted by or living apart from her husband for justifiable cause, may after a decree of the proper court establishing such fact, dispose of her real estate and personal property by will without his written consent, as if she were sole.

2, 3. The will of a femme sole is revoked by her subsequent marriage alone. The will of an unmarried man is revoked by marriage and the birth of a child.

4, 5. If her husband dies intestate a widow is entitled to her dower at common law in his real estate. If he leaves no issue living, she takes his real estate in fee not exceeding \$5000 in value, and a life estate in one-half the other real estate of which he died seized, or, if she files her election therefor in the probate office within six months after the date of letters of administration on his estate, she may have, instead of such life estate, her dower in his real estate other than that taken by her fee. If he dies intestate and leaves no kindred she takes the whole of his real estate in fee.

A widow is further entitled to one-third of her husband's personal estate if he dies intestate and leaves issue, but if he dies intestate and leaves no issue, she is entitled to the whole of his personal estate to the amount of \$5,000, and to one-half the excess above \$10,000; if he leaves no kindred, his widow is entitled to the whole of his personal estate.

Under any circumstance a widow is entitled to her articles of apparel and ornament, and to remain in the house of her husband for forty days after his death, rent free. A further allowance of personal property may be allowed by the Probate Court to the widow for herself and his family under her care. She is also entitled to right of interment for her body in any lot or tomb of which her husband was seized at any time during coverture.

6, 7. Whether a woman dies testate or intestate her husband is entitled to courtesy at common law in his wife's real estate, if they have had issue born alive which might have inherited such estate. If they have had no such issue, he is entitled to an estate

in one-half such lands during his life. If she dies and leaves no issue living he takes real estate in fee to an amount not exceeding \$5,000 in value, and also has an estate by the courtesy or other life interest as aforesaid in her other real estate. If she dies intestate and leaves no kindred, he takes the whole of her real estate in fee. If a married woman dies intestate her husband takes one-half her personal estate, if she leaves issue; but if she leaves no issue he takes the whole.

8. A beneficial devise or legacy in a will to a person who is a subscribing witness thereto, or to the husband or wife of such person, is void, unless there are three other competent subscribing witnesses to such will.

9. EVERY WILL MUST HAVE THREE COMPETENT WITNESSES, who must be present and at the testator's request, and see him sign his name at the bottom and declare it to be his will and testament, and the witnesses to subscribe their names in the presence of the testator and of each other.

10. A will speaks from the death of the testator, wherever such is his obvious intention.

11. A soldier in actual service, or a mariner at sea, may dispose of his personal estate by a nuncupative will.

12. A TESTATOR CAN DISINHERIT ALL or any one of his children, but such must clearly appear to have been his intention and not the result of accident or mistake. Otherwise any child, or issue of any deceased child, not provided for by the will, takes the share of the testator's estate to which they would have been entitled if he had died intestate, unless they have been already provided for by him in his lifetime. A posthumous child, having no provision made for him by his father by will or otherwise, takes the same share of his father's estate to which he would have been entitled if his father had died intestate. So, too, a married woman can disinherit her children, but the above provisions apply to her as well as to her husband.

13, 14. A testator cannot deprive his wife of her legal rights in his estate. He may by his will provide for her in lieu of dower; and if she accepts such provision, she will not be entitled to her dower in addition thereto, unless such plainly appears by the will to have been the testator's intention. A widow may however, at any time

within six months from the probate of her husband's will, file a waiver of any provisions made for her in his will, or claiming the same portion of his estate as she would be entitled to if he had died intestate, and she will thereupon be entitled to the same portion of his estate, real and personal, to which she would have been entitled if he had died intestate, except that if he had died intestate, and she would thus become entitled to personal estate in value more than \$10,000, she will further receive in addition to said sum only the income of the excess of her share above said \$10,000 for her natural life.

Maryland.—Every sane person can make a will. Males can devise personal property when fourteen years of age and lands when twenty-one; females can devise personal property when twelve years of age and lands when eighteen. An alien can make wills in a like manner. Married women can will her independent property, and without her husband's interest. A husband cannot deprive his wife of one-third interest in personal property and a dower in real estate, but he can cut off his children if he wishes. Two or more witnesses are required to every will who are not legatees. The marriage of an unmarried woman having a will made prior to her becoming a mother, voids her will. Wills must be filed for probate within thirty days after the death of testator.

Michigan.—The requirements of a legal will are that the person making it shall be above the age of twenty-one years, of sound mind and under no undue restraint; it must be executed in writing, and subscribed by the testator. It must have two attesting witnesses, who subscribe their names in the presence of the testator, and who are not legatees under the will. To probate a will a duly verified petition, alleging the death of the testator, and that he died testate; and that his will was executed by him when of sound mind, and under no undue restraint; was duly witnessed; and the will should accompany the petition and be filed in the Probate Court. The petition should contain a prayer for the allowance of the will. Notice is then given to the parties interested, either by personal service or by publication, as the court directs, and the execution of the will must be proven at the time and place set forth for the hearing by one of the subscribing witnesses, if he can be obtained; and

in case of contest of the will both of the subscribing witnesses should be called. If the will is found by the court upon hearing to have been properly executed, and the testator competent to make a will, the court makes a decree to that effect, and it is then recorded. The will need not mention every heir. The court endeavors to give exact effect to the terms of the will and the intention of the testator in all things, as expressed in the will, unless his intention violates some rule of the law. A married woman must have husband's consent.

PROCEEDINGS IN CASES OF ADMINISTRATION are as follows: Upon petition to the Probate Court, made by some heir or other interested person, the court must give notice to all parties interested by publication. On the day appointed for the hearing, if suitable and proper, the court appoints some eligible administrator; a preference, by statute, in favor of the widow or the person selected by her, if suitable and willing to act. The administrator must, as must also an executor, give a bond, when letters of administration issue to him of the estate. On granting of letters of administration the court either appoints a time and place for hearing all claims against deceased, or the administrator himself with two other commissioners are appointed to settle and adjust the claims. This commission is limited in the time for hearing claims to not less than six months or more than eighteen. The decisions of the commissioners are subject to appeal to the Chancery Courts.

Maine.—The testator must be of sound disposing mind, and a resident of the county. It must be in writing and have three disinterested witnesses, whether made in this State or elsewhere (if affecting property within this State,) who must sign in the presence of the testator, who must affirm that the instrument is his last will and testament, and that he revokes all prior wills or testaments hitherto made by him. Wills must be presented for probate within thirty days. Court must give public notice of the same for three weeks. One witness will be sufficient to verify unless a contest. Married women and aliens can make wills. Minors of either sex cannot. The will affects all the property of the testator and speaks from death, unless otherwise stipulated. Every heir must be mentioned (that is next of kin) but he is not obliged to give them any-

thing. His wife is entitled to one-third in all community property and the testator cannot deprive her of it. *Administration*.—See Michigan.

Missouri.—Males over eighteen years can will personal property; over twenty-one, real estate. Married or unmarried women can dispose of any property in their own right at eighteen years of age; married women are subject to the rights of her husband's courtesy. Aliens can dispose of property of all kinds in a like manner as citizens. Every will must be in writing, signed by the testator, or by some one by his request and at his direction, and in his presence. The will must be attested by two or more witnesses, who are not interested directly or indirectly in the estate, and in the presence of each other and the presence of the testator. All the children of the testator must be mentioned, or those living, and if dead the offsprings of the dead if any, or testator will be held to have died intestate. The term of "all property" used in a will is held to mean at time of death, unless otherwise qualified. After death, upon satisfactory proof by witnesses to will who will separately make oath to the execution of the will, as shown and acknowledged by the witness to be the identical one, the court if not contested issues the order of probate in the ordinary way and it is recorded wherever any lands of the testator are within the same, mentioned. The executors generally named in the will if competent are commissioned by court to settle and adjust the estate. The will can be contested within five years after. *Administration*.—See Michigan.

Mississippi.—Wills may be written by any person of sound mind and 21 years of age; they must be subscribed by the testator, or by some other person in his presence, and by his express direction, and attested by two or more credible witnesses, in his presence.

A DEVISE TO A WITNESS is void, but the will is not voided thereby.

HOLOGRAPH WILLS wholly in the handwriting of the testator and signed by him some in place upon the instrument, upon affidavit of two or more credible persons who know his or her handwriting,

proof can to that effect and to his signature establish the same as his or her will.

NO NUNCUPATIVE WILL can be established unless made in the last sickness of the deceased, at his or her habitation, or where he or her hath resided for ten days previous to their demise, and where the value does not exceed \$100. It must be shown by two witnesses that the testator or testatrix called on some person present to take notice, or bear witness that such was his will (or 'r will,) or words to that effect.

AFTER SIX MONTHS OF SPEAKING of the words in a nuncupative will, no testimony shall be received to prove it, unless such words shall have been reduced to writing within six days after their speaking. These rules does not apply to bequests of goods and chattels by soldiers in actual service or mariners at sea.

AUTHENTICATED COPIES of wills proved according to the laws of any State or Territory, or any foreign country, and touching or disposing of estate within this State, may be probated here, subject to be contested as the original would have been, if it had been executed within this State; or the original instrument may be probated here, if executed under the forms of such foreign state or country.

ALIENS may acquire, and hold lands, dispose of them, and transmit them by descent, in the same manner as citizens do.

THE VALIDITY of a will may be contested, by petition or bill, at any time within two years, saving infants or concealed fraud—when an issue may be made up at any time thereafter within two years of the knowledge of such fraud.

MARRIAGE will void a will when a child is born, either before or after the testator's death.

MARRIED WOMEN can dispose of their separate property by will, in all respects as if unmarried.

Minnesota.—EVERY PERSON OF FULL AGE and sound mind, seized in his own right of any lands, or entitled to any interest descendible to his heirs, may devise and dispense with the same by will in writing, and also bequeath all personal estate or property in a like manner.

MARRIED WOMAN may dispose of any real or personal property

held by her, or to which she is entitled, in her own right, by will in writing; she can alter or revoke the same as if she was unmarried.

No WILL (except nuncupative wills as hereinafter provided) shall be effective to pass any estate, real or personal, so as to change, or in any way affect the same, unless it is in writing, signed at the end in writing by the testator, or by some one person in his presence, by his express direction, and attested and subscribed in his presence by two or more witnesses.

NUNCUPATIVE WILLS are not valid unless made by a soldier while in actual service, or by a mariner at sea.

ALL BENEFICIAL DEVISES, legacies and gifts made or given in any will to a subscribing witness, are wholly void, unless there are two other subscribing witnesses.

EVERY PERSON having the custody of a will shall, within thirty days after he has had knowledge of the death of the testator, deliver the same to the Probate Court, or to the executors named in the will. When the will is delivered, the Probate Court shall appoint a time and place for proving it; if no person appears to contest it, the Court, in its discretion may grant probate, on the testimony of one witness, if such witness testifies that the will was executed according to law.

FOREIGN WILLS.—All wills proved and allowed in any outside state or country, according to law, may be allowed, filed and recorded in the Probate Court of any county, in which testator has personal or real estate; wherever the word executor, in laws construed to include administration with the will annexed.

MARRIAGE OR THE BIRTH OF A POSTHUMOUS CHILD only revokes the will insomuch as its intestate right would enforce by statute.

Nebraska.—Any person of full age and sound memory, having an interest in real or personal property, may give and devise the same by will, lawfully executed. Must be in writing, signed at the end by the testator, or by some other person in his presence and by his express direction; must be attested and subscribed in his presence by two or more competent witnesses who saw him sign it or acknowledge the same. May be deposited in Probate Court at any time, and can only be withdrawn by the testator while living, or some authorized person.

NO LEGATEE OR DEVISEE can witness a will.

FOREIGN WILLS.—Wills executed and proved according to the laws of some other State, may be probated in this State, and have the same validity as wills executed in this State.

NUNCUPATIVE WILLS to be good must be witnessed by three witnesses, made at the last sickness, and the words taken down within six months after their utterance. This does not apply to soldiers and sailors, or where the property willed does not exceed \$150 in value.

HOLOGRAPHIC WILLS can not be established under the laws of Nebraska.

New Hampshire.—Every person of the full age of twenty-one years can dispose of his or her property both real and personal, by last will or testament.

MINORS of either sex cannot make last wills and testaments of personal property, unless wife is under age and owning separate estate, she can dispose of the same by will subject to her husband's right of courtesy.

MARRIAGE revokes any will. Birth of a child will void a will if no provision is made for the same occurring.

Testators cannot ignore or abridge the rights of their widows by their last will and testament. He can disinherit every child.

WITNESSES.—Every will executed must have three competent disinterested witnesses, if signed by the testator; if by some other person at the direction and express request of the maker, then three witnesses and the person so signing for the maker.

NUNCUPATIVE OR HOLOGRAPH wills are not admitted under any circumstances.

ALL WILLS speak from death of the testator, if the words "The residue of my estate I give, and" etc., are in the will.

WILLS MUST BE FILED for probate within thirty days after the death of the maker.

PROBATE AND ADMINISTRATION.—See sections 1343, 1344, 1355, and 1356, of Washington Territory. Establishing a will for administration, where witnesses are either incapacitated by being insane,

idiotic, incredible or dead, in this Commonwealth has seldom ever been accepted. The Probate Courts have invariably disallowed such evidence when any contest has been made and the estates have been usually divided as intestate.

New Jersey.—Sec. III, of the statutes of wills, provides as follows:—"That wills or testaments, made or to be made, of any lands, tenements, or hereditaments, or of any estate, by any woman covert or person within the age of twenty-one years, or any idiot, lunatic or persons of non-sane mind and memory, shall not be held or taken to be good or sufficient in law."

Under a subsequent section it provides: Any woman covert above the age of twenty-one years, may dispose of by will her real or personal estate; but cannot dispose of by will any interest or estate in real property to which her husband would at her death be entitled by law under the descent of right by courtesy. The Act of 1851 provides that all wills and testaments must be in writing, and shall be signed by the testator or testatrix (as the case may be), which signature must be made by the testator, or the making thereof acknowledged by him and such writing declared to be his last will and testament, in presence of two disinterested and competent witnesses, present at the same time, who shall subscribe their names thereto, as witnesses in the presence of each other and in the presence of the testator. Every child need not be mentioned. Marriage of an unmarried woman, does not void a will previously made by her, but the birth of a child would void it, so far as her husband's estate in courtesy goes. A seal is not necessary to a will. No will can be made of personalty by any one under twenty-one years of age. Wills must be filed for probate within forty days after death of testator; ten days after the demise of the maker it cannot be filed for probate. *Probating Wills and Administration of Estates.*—See Michigan.

New York.—All males eighteen years and over of sound mind can dispose of personal property by will. Females sixteen years and over can dispose of personal property in like manner. Aliens and citizens of both sexes, of the full age of twenty-one years, and of sound disposing minds can make wills of all their property, real and personal. The person making a will must attest it

at the end thereof in the presence of two competent witnesses; each witness must sign his name and write in his own handwriting, opposite his or (her) name his place of residence. If the maker of the will cannot write his (or her) name, three witnesses should be present, the name of the testator written by some one and his (or her) mark made and declared so to be in the presence of the three witnesses. Wills speak from death unless otherwise provided in the instrument. A testator can disinherit every child if he thinks fit. Wife's part in community property cannot be executed by her husband's will. Witnesses cannot be legatees. *Probate and Administration*.—See Michigan.

North Carolina.—No last will or testament shall be good or sufficient in law, to convey or give any estate real or personal, unless such last will shall have been written in the testator's lifetime, and signed by him or by some other person in his presence and by his direction, and subscribed in his presence by two witnesses at least, no one of whom shall be interested in his devise or bequest of the said estate, except as hereinafter provided; or unless such last will and testament be found among the valuable papers and effects of any deceased person, or shall have been lodged in the hands of any person for safe keeping, and that the same shall be in the handwriting of such deceased person with his name subscribed thereto, or inserted in some part of such will; and if such handwriting shall be proved by three credible witnesses, who verily believe such will and every part thereof is in the handwriting of the person whose will it appears to be, then such will shall be sufficient to give and convey real and personal property. No person on account of being an executor of a will shall be incompetent to be admitted a witness to prove the execution of such will, or to prove the validity or invalidity thereof. If any person shall attest the execution of any will, to whom or to whose wife or husband any beneficial devise, estate, interest, legacy or appointment of or affecting any real or personal estate shall be given thereby or made, such devise, estate, etc, shall, so far only as concerns such person attesting the execution of such will, or the wife or husband of such person, or any person claiming under such person or wife or husband, be void, and such person so attesting, shall be admitted as a witness etc. Every person male or female must be of the full age of 21

years before they can make a valid will of any property real or personal. Aliens have the same rights as citizens, only that an alien cannot act in the capacity of an administrator if he is a non-resident of the State. Married women owning real or personal property may dispose of the same by will subject to the husband's courtesy. Testator can disinherit all or any one or more of his children, but cannot deprive his widow of her rights of dowerage. Wills speak from death. Nuncupative wills can be made. The husband takes one-third of wife's property if she dies without issue and intestate. The widow takes one-half of husband's estate if he dies intestate and without issue, and one-third if she has issue.

PROBATING A WILL.—In case of a written will with witnesses, on the oath of at least two of the subscribing witnesses, if living, but when any one or more of the subscribing witnesses to such will are dead, or reside out of the State, or are insane or otherwise incompetent to testify, then such proof may be taken if the handwriting, both of testator and of the witnesses, so dead, absent, insane or incompetent, and also of such other circumstances as will satisfy the clerk of the superior Court of the genuineness and the due execution of such will.

In case of a holograph will, on the oath of at least three credible witnesses, who state that they verily believe such will and every part thereof as in the handwriting of the person whose will it purports to be, and whose name must be subscribed thereto or inserted in some part thereof; it must further appear on the oath of some one of said witnesses, or some credible person, that such will was found among the valuable papers and effects of the deceased or was lodged in the hands of some person for safe-keeping. In case of a nuncupative will, on the oath of at least two credible witnesses present at the making thereof, who state that they were specially required to bear witness thereto by the testator himself; it must be proved also that such nuncupative will was made in the testator's last sickness in his own habitation, or where he had been previously resident for at least ten days, unless he died on a journey or from home. No nuncupative will shall be proved by the witnesses after six months from the making thereof, unless it was put in writing within ten days from such making, nor shall it be proved until a citation has been opened or published, made, etc.

LETTERS OF ADMINISTRATION.—Letters of administration in case of intestacy shall be granted to the persons entitled thereto and applying for the same in the following order: 1st,—To the husband or widow, except as hereinafter provided. 2nd,—To the next of kin in the order of the degree, and if of equal degree, to one or more of them at the discretion of the court. 3rd,—To the most competent creditor (if any) who resides within the State and proves his debt on oath before clerk of Probate Court. 4th,—To any other legally competent person.

PERSONS DISQUALIFIED TO ACT AS ADMINISTRATORS: minors, alien, non-resident, convict, or such as from intemperate or other habits adjudged by the court as incompetent. The application for letters of administration must show the value and nature of the intestate's estate, the names and residences of all parties as heirs or distributees of the estate, if known, or if the same cannot on diligent inquiry be procured, which of said parties are minors, and whether with or without guardians, and the names and residences of such guardians, if known. Bonds in double the value of estate must be furnished. The administrators must make oath or affirmation for faithful discharge of office.

Ohio.—The testator or testatrix must be of full age, of sound mind and memory, under no undue restraint, and must own the property he intends to bequeath and devise. The will must be signed by him (or her as the case may be) in the presence of two competent and disinterested witnesses, who shall sign it at the maker's request and in each other's presence and the presence of the maker.

AN ALIEN OR MARRIED WOMAN has all rights hereinbefore provided, only that the latter must obtain the courtesy of her husband in writing to perform the same, or in the presence of the witnesses to her will admits that he is agreed to her will to dispose of her separate estate as she thinks fit, regardless of any right, title or interest he may now or in the future have in her estate, either personal or real.

MINORS OF EITHER SEX CAN MAKE A WILL of their personalty, which if not contested within one year after their death will suffice to hold good in equity, otherwise males must be twenty-one and females (except married) eighteen.

A MAN CAN DISINHERIT ALL HIS CHILDREN, except those under the full age of twenty-one years, if males, and eighteen if females. He cannot exect his widow from dower. *Marriage* does not revoke a will of a male, but does of a female. *The birth of a child*, in the case of a married woman or man, revokes the will unless a provision is stipulated in the will for the unborn. For *Probate and Administration*, see Michigan.

Pennsylvania.—(Act of April 8, 1883.) *Every Person* of sound mind (married women excepted) may dispose by will of his or her real estate whether such estate be held in fee simple, or for the life or lives of any other person or persons, and whether in severalty, joint-tenancy or common, and also of his or her personal estate.

(Act of April 8, 1883.) *Provided the testator* at the time of making the same was of age, twenty-one years or upwards, every will shall be in writing, and unless the person making the same shall be prevented by the extremity of his last sickness, shall be signed by him at the end thereof, or by some one in his presence, and by his express directions; and in all cases shall be proved by the oaths or affirmations of two or more competent witnesses, otherwise such will shall be of no effect. If the subscribing witness be dead, or out of reach of process, proof of their handwriting is sufficient; they need not be subscribing witnesses.

A MARRIED WOMAN may dispose of her property, real and personal, by last will and testament in writing, signed by her or manifested by her mark or cross, made by her at the end thereof, in same manner as if she were unmarried. Neither of the witnesses to a married woman's will shall be her husband. The will of a single woman is revoked by her subsequent marriage and is not revived by the death of her husband. If a man make a will and afterwards marry, and die leaving a widow, so far as regards the widow, he dies intestate; that is, his will is revoked *pro tanto*. If a man make his will, and have an after-born child or children, not provided for in such will, and die leaving such after-born child or children, so far as regards such child or children, he dies intestate, and his will is revoked *pro tanto*. If a man make his will and marry, and die leaving a widow and child, not provided for in such

will, his will is not revoked absolutely, as at common law, but only *pro tanto*. If a man make his will, marry and die leaving a widow, but no known heirs or kindred, it is clearly revoked, so far as to give his widow both the real and personal estate absolutely.

NUNCUPATIVE WILLS.—Personal estate may be bequeathed by a nuncupative will made under the following restrictions: (I) Such will shall in all cases be made during the last sickness (when such extremity of last sickness precludes a written one) of the testator, and in the house of his habitation or dwelling or where he has resided for the space of ten days or more, next before the making of such will; except where such person shall be surprised by sickness, being from his own house, and shall die before returning thereto. (II.) Where the sum or value bequeathed shall exceed \$100, it shall be proved that the testator, at the time of pronouncing the bequest, did bid the persons present, or some of them, to bear witness that such was his will or to that effect; and in all cases, the foregoing requisites shall be proved at the making of such will, (it is necessary to the validity of a nuncupative will that each of its requisites be clearly proved by two witnesses). *Provided*, that notwithstanding this act any mariner being at sea, or any soldier being in actual service, may dispose of his movables, wages and personal estate, as he might have done before the making of this Act (not valid by a soldier at home on a furlough.)

TENANCY BY COURTESY.—An estate by the courtesy is the estate to which a man is by law entitled upon the death of his wife, in the lands or tenements of which she was seized during the marriage in fee simple, or in fee tail, provided he had issue by her born alive during the marriage, and capable of inheriting her estate, in this case he shall, on the death of his wife, hold the lands for his life, as tenant by the courtesy of England, but in Pennsylvania, by statute, birth of issue is not necessary to the husband's right as tenant by the courtesy, in all cases where the issue, if any, would have inherited. (Husbands 106.)

(H. p., 135.)—*Wife dying intestate*, without children, or the descendants of such living, husband is entitled to the personal estate absolutely; if she leaves a child or children living her personal estate shall be divided among her husband and such child or children share and share alike. The descendants of a dead child

shall be entitled to their parents' share, and if real estate the husband is entitled to the whole of it for life as tenant by the courtesy. If husband elects not to take under her will, he has one-third of the personalty absolutely and one-third of the realty for life, where there is issue, and to one-half the personalty absolutely and one-half the realty for life, where there is no issue, or in either case, instead of these, to the whole of the real estate for life, as tenant by the courtesy.

ILLEGITIMATE CHILD OR CHILDREN.—In any and every case where the father and mother of an illegitimate child or children shall enter into bonds of lawful wedlock and cohabit, such child or children shall thereby become legitimated, and enjoy all the rights and privileges as if they had been born during the wedlock of their parents. (Act of May 1857.)

WIDOW ENTITLED TO ONE-THIRD PART of real estate for life and one-third part of personal estate absolutely, where there is issue, otherwise to one-half part of real estate for the term of her life, and to one-half part of the personal estate absolutely. Where the husband dies testate the wife can elect to take under the intestate laws as above and not take under the will, if it has not made as ample provision for her, in lieu of what the intestate law provides.

Rhode Island.—Every person of sane mind, of the full age of 21 years, may make a will to pass real property; which shall be in writing and signed by the maker or by some person in his presence and by his express direction, and shall be attested and subscribed in the presence of the maker by two or more witnesses, or else shall be utterly void and of no effect. All persons of the age of eighteen years of sound mind can in a like manner make will of all his or her goods, chattels and other personal estate of every kind in the same manner as required to pass real estate.

A TESTATOR OR TESTATRIX is not compelled by law to devise or bequeath to all or to anyone of his or her children, only as they voluntarily see fit, any part of their estate.

A WIDOW CANNOT however be deprived of her dower, only by substitution, otherwise by devise or bequest, and then only at her privacy.

ALL ESTATE real and personal not devised or bequeathed in the

last will and testament of any person, shall be distributed in the same manner as if such person died intestate.

MARRIAGE revokes a will. *The birth* of a posthumous child voids a will so far as the proportion of its part can be in equal shares subtracted from the devises of and bequests to other legatees.

PROBATE PROCEEDINGS.—See SECS. 1342, 1343, 1354, 1355 and 1356 of Washington Territory. *Administration.*—See Michigan, only that administrators must be of the full age of 21 years.

Tennessee.—**WILLS OF LAND** MUST BE SIGNED BY TESTATOR, or by his direction, and attested by at least two witnesses, at his request, and who are not interested under the will.

HOLOGRAPH WILLS.—If found among testator's valuable papers, after his death, all in his handwriting, and by him signed or his name or signature appearing thereon, or in possession of some one for safe keeping; if shown by three disinterested witnesses that it is in the handwriting of testator, and that the name and all parts of it is in testator's handwriting, it is sufficient to pass lands as well as personalty.

TO PASS PERSONAL PROPERTY, it need not be attested, the signature of the testator being sufficient.

NUNCUPATIVE WILLS may, as to personalty, under the circumstances of a sailor or soldier in actual service, or a person in his last sickness, where it is not practicable to make a written one, be established.

MARRIED WOMEN may dispose of their lands by will, but not so far as to defeat their husband's tenancy by courtesy.

ALIENS.—As regards capacity of aliens to take, hold and dispose of lands or personalty by purchase, conveyance, will or descent, they stand the same as citizens. Escheats of aliens' property abolished by Act of February 11, 1875. M. and V. Code, Sec. 2804.

DESCENT AND DISTRIBUTION.—A testator dying intestate, his children take share and share alike (providing any child is dead and was married and had issue, his children then takes his portion) with the mother's dower or life interest, or the father's courtesy.

A CHILD OF COLOR cannot inherit the estate of its mother's husband unless the mother or husband was a person of color.

A POSTHUMOUS CHILD of a testator born within ten calendar months after his death, not provided for in will, takes by descent such share of his estate as would have fallen to it in case of intestacy.

IF THE INTESTATE died without issue or heirs by kin, it shall be inherited in fee by the husband or the widow surviving. (Sec. 3272, Ten. Code.)

WHEN A WOMAN DIES INTESTATE, having a natural born child or children, whether she also leave legitimate child or children, all of such natural born children or child by the rules of descent, inherit her estate or an equal distribution of the same. (Code, 3273.)

A WIDOW TAKES ONE-HALF OF HER HUSBAND'S estate if he dies intestate in fee, if they had no living issue, one-third in tenancy common for life of real, and one-half fee of personalty if issue.

South Carolina.—Any person having right or title to any lands, tenements or hereditaments (persons of unsound mind and minors excepted) may dispose thereof by will, in writing at pleasure.

AGES OF MAJORITY.—Males and females twenty-one years.

ALL WILLS MUST BE IN WRITING, signed by the testator or testatrix (as the case may be) or by some one in the presence of the maker and by his or her express request, and shall be witnessed by three or more credible witnesses in the presence of each other and by the request of the maker, otherwise the will shall be null and void and of no effect.

NUNCUPATIVE WILLS are good, that are proved by oath of three witnesses, who were present when made—must be made in last sickness—no testamentary evidence can be admitted to prove such a will if six months shall have elapsed after speaking the testamentary words, except such testimony was reduced to writing six days after the making of the will, then twelve months is allowed by the Act.

A TESTATOR CAN DISINHERIT every one of his children or any one of them if he elects to do so; they need not be mentioned in the will either.

HE CANNOT DEPRIVE HIS WIDOW FROM DOWER, unless the widow, or if before his decease, his wife, renounces her claim to

dower in his estate before an official notary, and a certificate given by the notary with her renunciation and embodying the stipulation that it was voluntary and of her own free will.

WIDOW TAKES ONE-HALF if testator dies intestate and having no issue; if intestate and having issue one-third.

A WITNESS CAN be a legatee under the statute, without voiding a will.

MARRIAGE and the birth of a child revokes a will; marriage without issue, will only revoke it so far as the wife's part affects it.

CHILDREN BORN OUTSIDE OF WEDLOCK have no legal status as heirs against or jointly with legitimate born heirs.

Texas.—**THE RIGHT TO DISPOSE OF PROPERTY, REAL OR PERSONAL** of every kind, by will, prevails. The testator must be twenty-one years of age or upwards, and of sound mind; must be signed by the testator, or by some other person in his or her presence, and by such maker's direction. If not wholly written by the testator, as hereinafter stipulated, by holographic privity. Every will must be witnessed by two or more credible witnesses, above the age of fourteen years, and having no interest in the estate, subscribing their names in his presence and the presence of each other.

HOLOGRAPH WILLS are admissible and good if wholly written in the handwriting of the testator or testatrix, all that is required is that the signature of the maker must be upon the instrument, and that the same can be established by at least two witnesses that will verify under oath or affirmation that the same is wholly in the handwriting of the testator and that his signature is well-known to them, which is upon some part thereon.

NUNCUPATIVE WILLS are recognized in this State, to be proven by three witnesses, that the testator called on some person to take notice of the same; not proven after six months unless the testimony, or the substance thereof, shall have been committed to writing within six days after the speaking of such by the deceased.

ALIENS can make wills in like manner as citizens.

MARRIED WOMEN can dispose of their separate property by will independent of their husband.

FOREIGN WILLS probated in another State or country, are privileged to be admitted by properly authenticated transcripts from such foreign office, and filed in the county within the State where the property lies.

A TESTATOR CANNOT deprive his widow of her interest provided by statute, but he may ignore every child or other heir.

WILLS SPEAK from the death of the maker unless comprehensive of other meaning set out in the instrument.

MARRIAGE or the birth of a posthumous child revokes a will inasmuch as the portion by share at law of all personal or real property is concerned, that intestacy would bestow upon such widow or child.

AN ILLEGITIMATE child claims co-jointly with other heirs of his mother's separate property, in cases of intestacy, but has no claim of the father, if born of another mother besides his lawful wife.

COMMUNITY property if in real estate can be by joint will of both disposed of. The survivor only being a tenant at will during their natural life.

Vermont.—**EVERY PERSON OF SOUND MIND CAN DISPOSE** of their property, real or personal, by a will in writing, and executed in the presence of three witnesses, who subscribe the same in testator's presence, and in the presence of each other.

NUNCUPATIVE WILLS can be made to pass personalty not exceeding \$200 in value. The bequest must be made in the presence of three witnesses, and in the last sickness of the testator (or in cases of a soldier in actual service or a sailor at sea,) and in his own habitation or under other surprising circumstances; it must be reduced to writing within six days after being expressed and witnessed by at least one of the three present, and filed for probate within six months.

HOLOGRAPHIC WILLS are not admissible.

WITNESSES CANNOT BE LEGATEES unless there are three independent of the one or more being legatees; if however the witnesses are legatees, such bequest or devise is void as to the witness, but does not void the rest of the instrument.

A WIDOW CANNOT BE CUT OUT OF HER DOWER; she can waive her claim to a devise in her husband's will, and elect to accept what the statute provides instead.

THE BIRTH OF A POSTHUMOUS CHILD will revoke a testament unless the contingency is provided for in the will, so far as such child's portion of the estate is concerned, but the will otherwise will be valid.

A WIDOW TAKES OF HER HUSBAND'S intestate estate property to the value of \$2000 in fee; one-half of the residue during her life, if he had no living issue born of her; or in case he has no heirs or next of kin, she takes the whole in fee. *If he dies* intestate with issue, his estate would be divided share and share alike between his children, less the homestead to the value of \$500 and the dower interest of his widow and one-third of the personal property; these exceptions the widow holds by law.

MARRIED WOMEN can make disposition of their separate estate by will without their husband's consent.

ALIENS possess all the privileges of citizens.

FOREIGN WILLS can pass property within the State by a duly authenticated copy being filed in the county wherein the property is situate.

MINORS (males under twenty-one and females eighteen) cannot pass any property real or personal by will.

WILL MUST BE FILED FOR PROBATE within thirty days after the testator's demise.

Virginia.—Wills must be in writing and signed by testator, or by some other person in his presence, and by his direction, in such manner as to make it manifest that the name is intended as a signature; and, moreover, unless the will be wholly written by the testator, the signature must be made or the will acknowledged by him, in the presence of at least two competent witnesses, present at the same time, and such witnesses must subscribe the will in the presence of the testator, but no form of attestation shall be necessary.

A CODICIL must be made in the same manner. Will must be proved and admitted to record in the circuit county, or Corporation

Court of the county or corporation where the testator resides, or if he had no place of residence, then in the county or corporation wherein he had any real estate, or if no real estate, then the county or corporation wherein he died or had any personal estate.

A WILL SHALL BE CONSTRUED WITH REFERENCE TO THE REAL AND personal estate comprised in it, to speak and take effect as if it had been executed immediately before the death of testator.

FOREIGN WILLS.—Where a will relative to estate within this State has been proved without the same, an authenticated copy thereof and the certificate of probate thereof, may be offered for probate in this State. The court to which it is offered shall presume, in the absence of evidence to the contrary, that the will was duly executed and admitted to probate as a will of personalty in the State or country of the testator's domicile, and shall admit such copy to probate as a will of personalty in this State; and if it appears, from such a copy that the will was proved in the foreign court of probate to have been so executed as to be a valid will of lands in this State, by the law thereof, such copy may be admitted to probate as a will of real estate.

West Virginia.—UNLESS A HOLOGRAPH WILL, it must be acknowledged by the maker in the presence of at least two competent witnesses, present at the same time, who must subscribe the will in the presence of the testator or testatrix, and of each other. No form of attestation is necessary. Any interest in real estate to which a testator or testatrix over age, and of sound mind, may be entitled at death (even though not in possession or entitled to it at time of making the will) may be disposed of by will.

A MINOR OF THE FULL AGE OF EIGHTEEN years, may dispose of personal property by will.

NON-RESIDENTS' WILLS.—A will of a person domiciled out of this State, executed according to the laws of the State of his domicile, will be valid as to personal property in this State, but not as to realty in this State, unless it complies with the laws of this State. A will admitted to probate in another State, may be admitted here by a duly authenticated copy and certificate of probate.

IF A MAN OR WOMAN MARRIED die intestate, the surviving one,

if they have living issue, takes one-third of all personal property and the residue goes to the issue share and share alike.

IF THE INTTESTATE LEAVE A HUSBAND OR WIFE and no issue, such husband or wife takes the whole of such personal property.

BASTARDS INHERIT AND TRANSMIT inheritance on the part of the mother as if lawfully begotten.

• **Wyoming Territory.** ANY PERSON OF FULL AGE AND OF SOUND MIND may dispose of their property real or personal by last will and testament. All wills must be in writing, and witnessed by two competent witnesses, and signed by the testator or testatrix, or caused to be signed by the maker and in his or her presence. The testator or testatrix may name in his will an executor or executors, provided that such shall be residents and citizens of the United States. But whenever an executor thus named is not a resident of the Territory, the Probate Judge shall require such executor to designate some resident of the Territory as agent or attorney upon whom any such required notice of Probate Court may be served. If no executor is named in a will, or if the executor fail to act, the Probate Judge shall appoint an executor to carry the will into effect; if any person appointed is disqualified from acting, the Probate Judge shall appoint an executor until such disqualification is removed.

ANY PERSON HAVING CUSTODY OF A WILL SHALL, on information of the death of the testator, immediately file the same with the Probate Judge, who shall open and read the same.

THE PROBATE JUDGE SHALL GIVE NOTICE of the time and place fixed for the proving of the same, by publishing a notice in a daily or weekly paper published within the county where the will is filed, and the last publication must be at least ten days before the time fixed for the proving of said will. Wills when proved and allowed shall have the certificate of the Probate Judge and seal of the Probate office annexed thereto, and every will so certified, its record or transcript, may be read in evidence in all Courts. By law the executors are entitled to the following commissions on property sold: For the first \$1000, 5 per cent; for the overplus between \$1000 and \$5000, 2½ per cent thereon; for any amount over \$5000, 1 per cent thereon.

WILLS PROBATED IN ANY OTHER STATE OR TERRITORY, upon proper authentication, may be admitted to probate in this Territory.

ALIENS.—The Statutes of the Territory are silent upon the subject of the power of aliens to hold or transmit real estate, with the exception of the following: “The alienage of the descendants shall not invalidate any title to real estate which shall descend from him to her.”

Wisconsin.—**EVERY PERSON OF FULL AGE** and married women of the age of eighteen years and upwards, being of sound mind, may dispose of their property by last will and testament. Wills may be executed in writing, signed by the testator or some person in his presence and by his express direction, and attested and subscribed in the presence of the testator by two competent witnesses.

NUNCUPATIVE WILLS, when the estate exceeds \$150, must be made in the presence of three credible witnesses, who must state that they were specially requested to bear witness thereto. It must have been made in the testator's last sickness, in his own habitation or where he has previously resided for the space of ten days, unless he was unexpectedly taken sick being from home and died before he returned to his last habitation. It shall not be proved after six months, unless the said words be reduced to writing within six days after they were spoken by the deceased.

WHEN A FOREIGN WILL shall have been duly proved and allowed in the proper court of any other of the United States, a copy thereof duly certified may be recorded in the office of the Registrar of Deeds in which any lands therein described are situated, and when so recorded shall be valid and effectual to pass the title.

MARRIED WOMEN when eighteen years and upwards can make wills of their separate estate by their own free privity.

TESTATOR CAN DISINHERIT all or any one of his children.

IF THE LANGUAGE is comprehensive enough it will include all the property of the maker seized of at his demise, but in case it does not, the residue of the estate may be treated as in intestacy.

THE MARRIAGE of either does not absolutely revoke a will, only so far as the contingent interest by courtesy or dower by statute would affect the instrument.

ALIENS can by will dispose of their real and personal property in like manner as citizens.

INTESTATE ESTATES.—No guardian need appear for infant until after administration is granted, and then only on sale of realty or hearing of final account and assignment of estate to those entitled thereto.

Washington Territory.—Sec. 1318: Every person who shall have attained the age of majority, of sound mind, may by last will devise all his or her estate, real and personal.

SEC. 1319: Every will shall be in writing, signed by the testator or testatrix, or by some person under his or her directions in his presence, and shall be attested by two or more competent witnesses, subscribing their names to the will in the presence of the testator.

SEC. 1320: Every person who shall sign the testator's or testatrix's name to any will by his or her directions, shall subscribe his own name as a witness thereto and state that he subscribed the testator's or testatrix's name at his or her request.

SEC. 1325: If any person make his last will and die, leaving a child or children, or descendants of such child or children (in case of their death) not named or provided for in such will, although born after making such will or the death of the testator, every such testator so far as he shall regard such child or children or their descendants not provided for, shall be deemed to die intestate, and such child or children or their descendants shall be entitled to such proportion of the estate of the testator, real and personal, as if he had died intestate, and the same shall be assigned to them and all other heirs, devisees and legatees shall refund their proportional part. **Sec. 2363:** That males shall be deemed and taken to be full age for all purposes at the age of twenty-one years and upwards; females shall be deemed and taken to be of full age at the age of eighteen years and upwards.

SEC. 1364: A female married to a person of full age, shall be deemed and taken to be of full age.

The widow takes a child's part on death of her husband intestate. Husband cannot however deprive her of her dower by any

provision in the will, but he can devise to her in lieu of dower bequests, and if accepted by her within one year after his decease, it so remains. Husband takes a child's part in case his wife dies intestate and with issue, but without issue he is not entitled to anything.

PROBATE PROCEEDINGS. SEC. 1342: Any person having the custody of any will shall within thirty days after he shall have knowledge of the death of the testator, deliver said will unto the Probate Court which has jurisdiction; or to the person named in the said will as executor.

SEC. 1343: Any person named as executor in any will shall within thirty days after he has knowledge that he is executor present the will, if in his possession, to the Probate Court which has jurisdiction.

SEC. 1344: An executor named in the will may decline to act by filing a written renunciation at the time of filing said will; but if he intends to accept, he shall present with will a petition praying that the will be admitted to probate and that letters testamentary be issued to him.

SEC. 1350: When any will is exhibited to be proven, the court may immediately receive the proof and grant a certificate of of probate or if such will be rejected issue a certificate of rejection.

SEC. 1354: If it shall appear to the satisfaction of the court that all the subscribing witnesses are dead, insane or their residence unknown, the court shall take and receive such proof of the handwriting of the testator and subscribing witnesses to the will, and such other circumstances, as would be sufficient to prove such will.

SEC. 1355: All testimony adduced in support of the will shall be reduced to writing, signed by the witnesses and certified by the Judge of the Probate Court.

SEC. 1356: All wills shall be recorded in a book kept for that purpose, within thirty days after probate and the originals shall be carefully filed.

ADMINISTRATION OF INTESTATE ESTATES.—After filing inventory; notice to creditors, in some cases family allowance; petition and sale of real estate (real estate sold at public auction); petition

and final account and order of discharge and distribution of all property takes place.

DOMINION OF CANADA.

Province of Ontario.—Every person of the full age of twenty-one years can make a will if not rendered incapable by insanity, or minority in either sex. All wills (except soldiers' and sailors') must be in writing, and have two competent witnesses. A will speaks from death of the testator and includes after-acquired property. An alien is under no disability, if otherwise competent, to make a will. Witnesses need not be credible under the law. Publication of will at decease of testator in presence of next of kin, is not now the law or custom. A bequest or a devise to a witness or executor, does not invalidate the instrument; but the bequest or devise cannot be enforced if contested. Marriage revokes all wills. The birth of a child or other changes in the circumstances of the testator or testatrix does not revoke the will. A holograph will is not valid. The inofficious will of the Romans is not practiced. Every child can be disinherited. No will can deprive debtors from the maker's estate, or if a man his wife from her dower of one-third, but similar to the laws of Indiana, in cases of intestacy. A will need not necessarily be dated. All wills must be filed for probate within one year after the death of the maker.

Province of New Brunswick.—No will shall be valid unless in writing and signed by testator or by some other person at testator's direction, in his presence and the seal thereof and his mark attested in presence of two witnesses present at the same time, and who will in the presence of the testator and in the presence of each other subscribe their names as witnesses thereto (See Con. Stat. of N. B., Cap. 77, Sec 5.) No person under the age of twenty-one years can make a will. Aliens have the same privileges as every other person. A married woman separated from her husband by abandonment, and living separately, wilfully and of her own accord either, has the power to make a will as a feme sole (Con. Stat. N. B., Cap. 77, Sec. 29.) Any married woman with the consent of her husband, can make a will as hereinbefore provided as to execution, but her husband must express either in the presence of the witnesses to her will or in writing that he grants his courtesy

to her. No assent of the husband shall be revoked except in the lifetime and with the consent, in writing, of the wife, executed in a like manner, but the wife may at any time revoke or destroy the same if she thinks right. All property means possessed at time of death. Every heir or next of kin need not be mentioned, bad boys or girls need not get a shilling. *Administration.*—Executors must present a petition to the County Judge, setting forth the name of the widow (if any) of all the children (if any) of the testator, and additions and places of residence respectively, and in case there are no children, then the names and additions of all nearest of kin in equal degree, and their representatives with their several places of business or residence, and in case any of them are married women or infants, the names and additions of the husbands or guardians of such infants (if any) shall also be stated with their place of residence. Provided that in case any of the above particulars are sworn to be unknown to the petitioner, and the surrogate to whom the petition shall have been presented shall deem it unnecessary under the circumstances of the case, that the same should be stated, such particulars may be omitted (Earl's rules 253.) The petition is presented to the judge who hears the evidence of the executors of the will, and makes his order thereon instructing the registrar to make out the letters of probation. In case of administration the order is to make out the letters on the filing of a bond in the penal sum of double the amount of the estate; to file an inventory of the same within three months and take an oath to faithfully administer, and to make a correct account within eighteen months. The petition in the probating of wills and administration should in both cases state the gross amount of real estate which testator or deceased was possessed of at time of his death. In case of a contest over the probate of a will or the issuing of letters of administration, the person so contesting in either case should immediately file a "caveat" with the registrar of the court, and when the petition is presented the court orders citation to issue, calling upon all parties interested in the name of the estate to attend at the court on the day and place mentioned in citation. The order for citation also directs the service and publication of the citation, and it is the petitioner's duty to attend to the execution of this order. The citation is always published (or in case of personal

service served) at least thirty days before return day; and the return day, all contending parties are in court, when the allegations and pleadings are oral except in cases of importance, judge may require them to be in writing. There is an appeal from the Probate Court to the Supreme Court of *bane* (the last resort.)

Province of Nova Scotia.—A married woman may dispose of all her property by will in the same manner as if she were unmarried, subject to the following conditions: If such will be made without consent of the husband given in writing before her death the husband shall have the right to exect (to cut away) between the provisions made for him in the will and his tenancy by the courtesy. No will under which a husband takes a greater interest in his wife's property, real and personal, than he would be entitled to in case she died intestate, shall be valid or effectual, unless such will shall be executed when the husband is not present, and unless the married woman at such time of execution declares, in the presence of two witnesses, that she executes such will without any fear, threat, or undue influence of, from or by her husband.

A MINOR OF EITHER SEX CANNOT MAKE A WILL. A testator can devise all his property to others than his children, but cannot deprive his wife of her dower. Every will must be signed either by testator or by some one with his directions and affirmed in presence of two competent witnesses, who, in the presence of the testator and of each other, subscribe their names. Aliens can make wills in the same manner as all other citizens. The birth of another heir does not void a will. Marriage of a single man or woman, widow or widower, revokes all wills, made by them prior. Wills must be filed for probate within one year, but after a reasonable time if evidence of suppression can be established, the person suppressing it forfeits \$20 per month for every month he or she suppresses it.

FOR PROBATE OF WILLS and the appointment of *Administrators* in intestate estates, see New Brunswick.

Province of British Columbia.—A person making a will must sign it in the presence of two witnesses, both present at the same time, who must also sign in his presence and in the presence of each other. Married women and aliens can make wills; minors cannot. A testator can disinherit all his children but his wife must

receive her thirds of all his real estate. Probation and *administration*, see New Brunswick.

Province of Quebec.—Aliens have a right to acquire and transmit by gratuitous or onerous title, as well as by succession or by will, all movable and immovable property in the Province of Quebec, in the same manner as British-born subjects.

MARRIED WOMEN can make wills of their separate property without the authorization of their husbands.

MINORS CANNOT MAKE WILLS whether emancipated by marriage or not.

TESTATOR CAN DISINHERIT all his children, or any one of them, if he so elects.

THE WIDOW'S INTEREST cannot be exected in any manner from her by her husband's will; the law regards her interest as follows: "In default of an antenuptial contract (see married women's separate rights for Quebec) of marriage, which must be in notarial form, there takes place between the consorts, by the mere operation of law, a community of the following property: (1) of all movable property, either possessed by them before marriage or falling to them, or acquired after marriage, including the revenues of their private property; (2) of all the immovables they acquire during marriage, except such as fall to them by succession or equivalent title; of this community the husband has the sole control; immovable property belonging to either consort before marriage, or falling to him by direct succession during marriage, remains the private property of such consort, subject as regards the property of the husband, to the right of dower, preserved by registration consisting of the usufruct (meaning the use for her natural life) of the wife, and the ownership to the children of one-half thereof. This right of dower may be abandoned by the wife. The husband administers the private property of his wife, but cannot alienate her immovables without her consent. In marriage contracts all kinds of agreements derogating from these rules may be made, such as total and distinct separation of all property, gift of future property, etc.

MARRIAGE of a spinter, widow, man or widower does not revoke or void any will made prior.

BIRTH OF A CHILD does not in any case revoke or void any will.

WITNESSES to the will: 1st, a will made in a notarial form and acknowledged by the maker alone before a notary; 2nd, in the form required for holograph wills; 3rd, in writing and in the form of attest in presence of witnesses, as in the laws of England. Wills made in notarial or authentic form are received before one or two notaries or before a notary and two witnesses, the testator in their presence and with them signs the will or declares that he cannot do so, after it has been read to him by one of the notaries in presence of the other, or by the notary in presence of the witnesses, mention is made in the will of the observance of the formalities. The witnesses must be named and described in the will; they must be males of full age, and must not be civilly dead, nor sentenced to any infamous punishment. Aliens may serve as witnesses; the clerks and servants of the notaries cannot.

HOLOGRAPH WILLS must be wholly written and signed by the testator, and require neither notaries or witnesses; they are subject to no particular form.

WILLS MADE UNDER THE FORM DERIVED FROM THE LAWS OF ENGLAND, whether they affect movable or immovable property, must be in writing and signed at the end with the signature or mark of the testator, made by himself or by other persons for him in his presence and under his express direction (which signature is then or subsequently acknowledged by the testator as having been subscribed by him to his will then produced, in presence of at least two competent witnesses together, who attest and sign the will immediately, in presence of the testator and at his request); females may serve as attesting witnesses, and the rules concerning the competency of witnesses are the same in all cases and respects as for wills as aforesaid made in "authentic form."

PROPER FORM OF ATTEST:—"Signed and acknowledged by the said testator as and for his last will and testament, in the presence of us, who in his presence, at his request, and in the presence of each other, have hereunto set our names as witnesses."

WILLS MUST BE FILED for probate within a reasonable time. Legacies made in favor of the notary, or witnesses, or to the wife of any such notary or witnesses, or to any relation of such notary or witness in the first degree, are void, but do not annul the other provisions of the will.

CHAPTER VI.

PART I.—The limitation of time, within which Action shall be commenced against Railroads, for the recovery of Damages for injuries or death claims, as provided under the Laws in each State and Territory, and Province in Canada; The amount of Damages fixed by some States, as the limit that can be in the extreme, assessed by the Court. **PART II.**—A Treatise on the Laws governing Conductors, Engineers and Passengers. **PART III.**—The Law commonly governing Inkeepers and their Guests. **PART IV.**—Responsibility of Telegraph Companies respecting Messages; Contracts made by Telegraph. **PART V.**—The Law of common carriers. **PART VI.**—Law of Finding.

PART I.—CHAP. VI.

DAMAGES AGAINST RAILROADS FOR ACCIDENTS.

Alabama.—The statute limits the time to commence suit against a railroad corporation, in case of an injury to a minor, for one year; Persons generally, for *six months*; damages for death claims, *two years* after the death occurring. No limit is fixed for amount recoverable in any case. There are 2191 miles of railroad within the State.

Arkansas.—See Florida as to the laws. There are 1764 miles of railroad within the State.

California.—Actions for idemnity against railroads for injury must be commenced within *three years* thereafter. Actions for recovery for death claims must be made within same time. The statute limits the extreme penalty to \$15,000. There are 2911 miles of railroad within the "Golden State."

Colorado.—Action for damages of any description must be commenced against a railroad, in order to come within the time limited for persons to prosecute, within *two years* after the accident, or within the same time after death. The statute limits the highest amount recoverable to \$5000. There are 2842 miles of railroad within the State.

Connecticut.—For injuries causing death, action lies for *eighteen months* after death,—in case of claims for injury within

one year after the cause arises. The court is limited by statute in the greatest amount they can find, to \$5000 in death claims. There are 976 miles of railroad within the State.

Dakota.—*Six years* outlaws any claim either for injury or death against a railroad company. The limit for injuries or death, as damages, is not fixed by law, but left to the *conscience* of the jury. There are 2759 miles of railroad within the territory.

Delaware.—The action for recovery of damages for injuries sustained by railroad accidents, must be brought within *three years*. In case of death, within *one year* thereafter. The law does not limit the amount recoverable in either case. There are 306 miles of railroad within the State.

District of Columbia.—The laws the same as Maryland. The railroad mileage included with Maryland.

Florida.—An action brought to recover damages and penalties against corporations (such as railroads) for damages or injuries or death claims, must be commenced within *two years* after the cause arises. The statute does not make any provision as to the amount recoverable in either case.

Georgia.—The same as Florida as to time and statute. There are 2978 miles of railroad within the State.

Illinois.—Cause of action expires against a railroad corporation in this State, either for death or injuries claimed, if not commenced or notice of action served upon the officers of the company within *two years* after the accident or after the death from the accident. The statute fixes the damages recoverable at the outside limit, in case of death, at \$5000. There are 10,000 miles of railroad in this State.

Indiana.—All actions for recovery of damages in cases of injuries or accidents received while traveling or otherwise, against railroad companies, must be brought within *two years* thereafter except if the injured person should not die until some time within the two years from the date of accident, then in such case the cause survives and it dates from such death period; otherwise in case of death at the time action must be brought within *eighteen months*.

Section 4023 of the Consolidated Statutes of Indiana, provides that the Court must assess the damages for injuries. In case of death claims the statute limits the greatest penalty to the amount of \$5000. There are 5534 miles of railroad within the State.

Iowa.—For injury to persons, the time is limited to *two years* from the date of accident. In case of death, within *one year*. No limit put upon amount recoverable in either case. There are 7510 miles of railroad within the State.

Kansas.—*Two years* after accident occurs, outlaws the claim for damages in case of injuries. *One year* after death no matter when occurring, if traceable to that cause. \$10,000 is the limit provided by statute in case of death. The State has 4205 miles of railroad.

Kentucky.—Action for damages must be commenced within one year. The statute does not limit the amount of damages either for injuries or death. There are 1867 miles of railroad within the State.

Louisiana.—Actions for recovery of damages received by an accident upon a railroad, for injuries, must be brought within *six months* thereafter; in cases of death at the time or arising therefrom afterwards, *six months*. (In this latter case a person injured must give notice to the company before the expiration of the *six months*, if he wants his claim to live so that the cause of action for damages by doing so, is good at any time thereafter in case of death.) As Louisiana is the only State in the Union that interprets the old ecclesiastical or canon laws of England, in what we may now term the "old-fashioned" sense, acting wholly upon the Acts of Parliament and law, regardless of what may be called the *common law* of custom, which has grown up from usage and as distinguished from a particular statute, embracing as in other words the statutory and customary laws of general jurisprudence. Outside of the city of New Orleans, the State is very averse to the intermingling of modern innovations and practices; they do not take kindly to the ploughshare of modern progress in turning into disuse the old pasture fields of parish customs. Putting a value on life and limb, is so regarded, and comes under the ban of their disbelief. There are 1316 miles of railroad within the State.

Maine.—*Six years* outlaws any claim for damages against railroads for injuries ; *one year* for damages in case of death claims. No limit is put upon amount recoverable in either case. There are 1142 miles of railroad within the State.

Massachusetts.—The time allowed to bring action either for accident, injuries or death, is the same as in all actions of torts (3 years). The amount of damages recoverable in case of death is limited to \$5000. 1990 miles of railroad in the commonwealth.

Maryland.—Suits must be brought within *one year* for injuries only ; death claims at the time or afterwards attributable to the accident, within *one year* after death. Amount recoverable in either case unlimited. 1082 miles of railroad within the State.

Michigan.—All actions must be brought within *six years*; the amount is fixed by the court. 5233 miles of road in the State.

Minnesota.—Same as Michigan, only death claims are limited to \$5000. Railroad mileage in 1888 was 4193 miles.

Mississippi.—The claim for damages received by railroad accidents, must be commenced within *six years*. No limit as to amount recoverable; each case stands upon its own merits. 1316 miles of railroad within the State.

Missouri.—See Illinois, as to actions and damages. There are 4710 miles of railroad within the State.

Montana.—See Kansas, as to laws. There are 1,047 miles of railroad within the territory.

New Hampshire.—The law gives *two years* for persons to bring actions for damages against railroads. This dates from accident, for injury, and from death for damages in such case. But in all cases to keep on the safe side of the statute, notice of injury should be given without delay to the railroad company, and in case death should result afterwards, it makes the claim all the more substantial. No limit in either case is put upon the judgment of the court, as to amount of damages recoverable. New Hampshire has 1044 miles of railway.

Nebraska.—*Four years* outlaws claims for damages against railroads both in cases of damages for injuries and for death. \$5,000 is the statutory limit that can be recovered in case of death; otherwise no limit. 2794 miles of railroad within the State.

New York.—The statute fixes the amount in the highest degree that can be recovered for death claim at \$5000. Action must be commenced in the county where plaintiff in the cause resides without a change of venue agreed upon by both parties, within *six years*. There are 7335 miles of railroad within the Empire State.

New Jersey.—The statute limits the time within which action must be commenced to recover damages for injuries, *six years* from the cause; in claims for death *six years* from the death. The statute does not fix the limit of damages recoverable in either case. 1819 miles of railroad in the State, according to Poor's Manual.

North Carolina.—The same law as South Carolina. There are 1938 miles of railroad within the State.

South Carolina.—Actions against railroads for damages for injuries, must be commenced within *six years* after occurring. In cases of death claims, within *one year* after death, whenever it occurs, if originating from the accident. The law fixes no limit upon the jury in either case. There are 1564 miles of railroad within the State.

Ohio.—All actions for recovery of damages for injuries only, must be commenced and the company's officers served, within *four years* after the accident happened. In cases of death at the time or afterwards arising from the accident, Sec. 6135 of Revised Statutes provides *two years* after death. Sec. 6135, fixes the limit that in the greatest instance recoverable at \$10,000. There are 7276 miles of railroad in this fertile State.

Oregon.—The statutes make no special provision, apart from the rights given and reserved within the companies, charters; but as common carriers they are liable. Actions should be immediately commenced as in all other cases of torts. There are 1135 miles of railroad in operation.

Pennsylvania.—The constitution of the commonwealth of this State provides, under Sec. 21 of Art. 3, "No act of the General

Assembly shall limit the amount to be recovered for injuries resulting in death or for injuries to person or property; and in case of death from such injuries, the right of action shall survive and the General Assembly shall prescribe any limitations of time within which suit may be brought against corporations for injuries to persons or property, or for other causes, different from that fixed by general laws regulating actions against natural persons, and such acts now existing *are void*. There are 7546 miles of railroad in the State.

Rhode Island.—The same as *Maryland* as to laws. There are 211 miles of railroad within the State.

Tennessee.—All rights of action cease either for injuries or total death, after *one year* in the first instance, and in the same in the latter, dating from the death of the person. No limit put upon the amount recoverable. There are 2166 miles of railroad within the State.

Texas.—Actions to recover damages against railroads for damages, either injuries or death, shall be brought in the case of injury, within *one year* thereafter. For death claims within *one year* after death, whenever terminating in that. The statute does not fix any limit for damages in either case. There are 6198 miles of railroad within the State.

Vermont.—Actions for recovery of damages against a railroad corporation, must be commenced within *six years* as in all cases of torts. The statute does not confine the court to any certain amount that may be recovered. There are 944 miles of railroad within the State.

Virginia.—*One year* is the limit allowed for all actions against railroads. The death, however, at any time afterwards, at common law, would revive the cause of action, if established as the outcome of the injuries received in said accident. The statute provides that the amount of damages assessed by any court in cases of this nature, shall in no instance exceed the actual and reasonable value of the natural business life of the person.

West Virginia.—See Virginia as to laws. There are 1027 miles of railroad in this State.

Wyoming Territory.—See Oregon as to laws. There are 616 miles of railroad in this territory.

Washington Territory.—Same as Wyoming and Oregon. There are 675 miles of railroad within the territory.

Wisconsin.—A claim against a railroad corporation outlaws within *six years*. In case of death the law limits the right of action (except in cases of minors or persons incapable of action from any natural or compulsory reason) to the period of *one year* after death. The law limits the amount that a court can assess to \$5000 in death claims. There are 4228 miles of railroad in the State.

PROVINCES OF THE DOMINION OF CANADA.

Province of Ontario.—The action must be commenced in the courts within *six months* after the accident. If death does not occur at the time, but at any time afterwards, from the injuries received, notice must be served upon the company before the expiration of the six months. Amount is not limited.

Northwest Territories.—Action must be commenced within *one year* after accident for injuries; and if death occurs, within one year thereafter. Not limited as to damages to be found by the court.

British Columbia.—Same as Northwest Territories.

Manitoba.—See Ontario.

Quebec.—Action must be brought within *three months* in case of injuries. In death claims not occurring at time of accident, but afterwards, and attributable to the injuries so received, if notice has been given of the accident injuries within the time specified (3 months) the action for death claim survives, and is good cause at any time within three months from the date of the injured person's death as aforesaid.

New Brunswick.—See Nova Scotia.

Nova Scotia.—Actions for indemnity either for injury or death claims, must be commenced within *six months*. The fact

that indemnity for injuries cannot be ascertained until the person is fully recovered or dies, leaves the apportioning of damages an impossibility in either case; therefore our courts have not in cases of that kind interfered until such finalty was reached. Where a person applies either to the company for indemnity for injuries or to the courts, any award of the courts or payment by the company would forfeit his right or anyone in his behalf, of suing for further compensation for damages.

Prince Edward Island.—See Ontario.

Cape Briton.—Same as Nova Scotia.

PART II.—CHAP. VI.

GENERAL RAILROAD LAWS.

OBSTRUCTING HIGHWAYS. — Conductors of passenger trains allowing their train to obstruct the public highway for a longer period than fifteen minutes, are liable to be punished by fine, regulated by the by-laws under the general law, as provided within the state or county or city or town.

FREIGHT TRAINS. — Conductors or others in charge, must under the general law, leave an opening of at least four rods in any freight train that may be left standing across the public highway, or in a like manner be subject to fine, as the local town by-laws may provide.

ENGINEER FAILING TO STOP AT RAILROAD CROSSING. — Whoever being the engineer of any locomotive running upon any railroad track upon or over which passengers are or may be transported, runs his locomotive across or upon the track of any other railroad upon and over which passengers are or may be transported, without first coming to a full stop before first crossing such other track, and without first ascertaining that there is no other train or locomotive in sight or approaching and about to pass over such other track; or who runs, or permits his locomotive to cross such track when a locomotive is in sight, approaching and about to pass upon and over such crossing, on such other track,—shall, on conviction thereof, be fined in any sum not more than \$1,000, nor less than \$100, and imprisoned not exceeding one year in addition.

LOCKING PASSENGER CARS.—Whoever, being in charge of a passenger train on any railroad, and containing any passengers, suffers or permits any such car to be locked, or fastens the door or doors thereof, so that said door cannot be opened by any such passenger—shall be liable to a fine of not more than \$500, nor less than \$5.

FAILING TO GIVE SIGNALS.—Whoever, having charge of a locomotive engine upon any railroad, fails to signal when approach-

ing any road crossing, by blowing the engine's whistle at a distance of not more than one hundred rods or less than eighty rods from such crossing, is liable to a fine of \$50 and not less than \$10. In case of any accident and such neglect is proved, and that such neglect has caused the injury or death of any person, is liable to imprisonment for fourteen years and not less than two years.

NON-PAYING PASSENGER PUT OFF.—If any passenger refuses to pay his fare or toll, the conductor of the train or the servants of the corporation may put him out of the cars at any usual stopping place. This provision is to protect the public from the dangers of frequently stopping trains, and the perils of increased speed to regain time thus lost. The right is a *police* authority generally given to persons in charge of trains or other public conveyances, and the authority to expel and also to receive passengers by reason of intoxication, or when he is offensive and disagreeable to others, or when he refuses to conform to reasonable regulations in his conduct, or is disorderly or indecent, is a well established custom and law. If a conductor has for any of the reasons mentioned to reject any passenger or passengers, he must however rebate the offending passenger or passengers the unearned portion of their fare.

CONDUCTORS HAVE POLICE POWERS.—The conductor of all passenger trains, steamboats, ferries or other passenger carrying corporations or companies, have universal police powers, wherever their trains run.

CONDITIONS STIPULATED ON THE BACK OF A TICKET.—Railroad corporations are common carriers, and any condition they may assume to give notice of, by a notice on the back of ticket sold, other than the ordinary regulations and rules of the laws governing them, by their charters, are *ultra vis viva*, which, in law, means "beyond power of acting." It is their duty to protect the life and property of the passengers, so far as precaution and care can do so, but it matters not whether they carry passengers free or for four cents per mile, it does not change their responsibility.

PART III.—CHAP. VI.

GENERAL LAW OF INNKEEPERS.

AN INNKEEPER is liable as an insurer of the property of his guests within his charge against everything but the act of God, or the public enemy, or the negligence or fraud of the owner of the property. No special delivery of the goods to the innkeeper is necessary to charge him, if they are in his custody in the usual manner; but he may protect himself by requiring reasonable precautions from the guest, as that he shall deposit money or jewelry in a particular place for safekeeping. It is held that he cannot refuse to receive a guest without good cause. An innkeeper is not only liable like any other person for loss or injury caused by his own default or negligence, but also for the loss of or injury to property of a guest, without the innkeeper's own default of any kind. As against these liabilities, he has a lien on the goods of his guests for charges, but no lien on his person.

PART IV.—CHAP. VI.

GENERAL PROVISIONS GOVERNING TELEGRAPH COMPANIES.

NEGLIGENCE AND DISCLOSURE.—Telegraph companies are liable for special damages occasioned by failure or negligence of their operators or servants, in receiving, copying, transmitting, or delivering dispatches, or for the disclosure of the contents of any private dispatch to any person other than to whom it was addressed or his agent. Special damages recoverable under this section cannot be barred by regulations of the company concerning repeating of messages.

ADMISSIBLE MESSAGES.—If a message be couched in decent language, the company is bound to transmit it without inquiry as to the motives of the sender.

DELIVERY OF MESSAGES.—The company is bound to deliver promptly all messages, within one mile of the office where received, by a competent messenger, to the person to whom addressed or his agent, on payment of the charges due for the same, as the contract for which the company receive the charges is not fulfilled until so delivered.

CONTRACTS BY TELEGRAPH.—Contracts made by telegraph, between two or more persons, shall be considered as binding as any contract in writing.

PENALTY FOR DISCLOSING.—Whoever being an operator, clerk, servant, or messenger of any telegraph company, discloses the contents of any message sent or received (except in a court of law as evidence) can be punished in some States as high as \$500, and in no State less than \$10 for every such offense.

PART V.—CHAP. VI.

COMMON CARRIER.

WHO THEY ARE.—The law regards every corporation, company, or individual as a common carrier who undertakes for compensation to carry goods from place to place for the public. The class includes proprietors of stages, owners of vessels, railroad and express companies, and those generally who, on particular routes, or as they may be directed, hold themselves out as carriers for the public. A common carrier must carry safely for all who may offer to employ him, and is bound to deliver within a reasonable time; and he is an insurer against all loss of damage to the property carried except such as may occur by the act of God or the public enemy. He may contract with his employer for a limitation of his common law liability, but he cannot impose restrictions upon it by his own act merely. In some of the States it is modified by statute. A carrier may demand payment of his charges in advance, or otherwise stipulate regarding them; he has a lien for all such charges upon the goods carried.

COMMON CARRIERS IN ENGLAND, such as railroads, which receive goods to be carried over a connecting line, and receipts accordingly, is liable as carrier to the point of ultimate destination; but in the United States and Canada, it has been decided by the courts of equity, that they are only liable for its own route, and for safe and prompt delivery to the next carrier, unless by contract a further liability has been assumed. Common carriers of persons are those who hold themselves out as carriers for hire of such as may offer, and who thereby become bound to carry all who offer. They undertake to carry, in suitable vehicles, with the most approved appliances, with reasonable despatch, and without negligence; and though not insurers of the safety of their passengers, they become largely such by the great care and vigilance expected from them in the exercise of their duties to life and property.

THE NEGLIGENCE of the carriers, agent, or servant in the conduct of their business, is the negligence of such corporation or company in the eyes of the law.

THE VERDICT OF JURIES OR PUBLIC PREJUDICES are too often brought in play with justice, and damages awarded when the passenger possibly was violating the rules and regulations of the company or railroad. The law will not undertake to apportion the responsibility. At common law the carrier is not liable for civil claims of damages for deaths; but in the United States and England damages are now recoverable in such cases by statutes, fixing the liability upon them.

PART VI.—CHAP. VI.

THE LAW OF FINDING.

The law of finding is that the finder has a clear title against everyone but the owner. The proprietor of a hotel or a shop has no right to demand the property or premises. Such proprietor may make regulations in regard to lost property which will bind their employees, but they cannot bind the public. The law of finding was declared by the King's bench over 100 years ago, in a case in which the facts were these:

“A person found a wallet containing a sum of money on a shop floor. He handed the wallet and contents to the shopkeeper to be returned to the owner. After three years, during which the owner did not call for his property, the finder demanded the wallet and the money from the shopkeeper. The latter refused to deliver them up on the ground that they were found on the premises. The former then sued the shopkeeper, and it was held as above set forth, that against all the world but the owner the title of the finder is perfect. And the finder has been held to stand in the place of the owner, so that he was permitted to prevail in an action against a person who found an article which the plaintiff had originally found, but subsequently lost. The police have no special rights in regard to articles lost, unless those rights are conferred by statute. Receivers of articles found are trustees for the owner or finder. They have no power in the absence of special statute to keep an article against the finder, any more than the finder has to retain an article against the owner. But the finder should advertise the same and make diligent efforts to find the owner.

CHAPTER VII.

MISCELLANEOUS INFORMATION.

PART I.—Points of Business Law in Daily Use. PART II.—Clark's Interest Tables. PART III.—Difference in Time between New York and San Francisco and intermediate places. PART IV.—Value of Foreign Coins as regulated by the United States Director of the Mint, January 1st, 1889. PART V.—U. S. Passport Regulations. PART VI.—Amendments to Canadian Postal Laws.

PART I.—CHAP. VII.

POINTS OF BUSINESS LAW IN DAILY USE.

If a note is lost or stolen, it does not release the maker ; he must pay it, if the consideration for which it was given and the amount can be proven.

Notes bear interest only when so stated.

Principals are responsible for the acts of their agents in civil actions.

Each individual in a partnership is responsible for the whole amount of the debts of the firm, except in cases of special partnership.

Ignorance of the law excuses no one.

The law compels no one to do impossibilities.

An agreement without consideration is void.

A note made on Sunday is void.

Contracts made on Sunday cannot be enforced.

A note made by a minor is void.

Contracts made with a lunatic are void.

It is a fraud to conceal a fraud.

The acts of one partner bind all the rest.

A receipt for money is not always conclusive evidence.

Signatures made with a lead pencil are good in law.

A note obtained by fraud cannot be collected.

A note obtained from a person intoxicated cannot be collected at law.

“Value received” is usually written in a note, and should be, but it is not necessary. If not written, it is presumed by the law, or may be supplied by proof.

The maker of an “accommodation” bill or note (one for which he has received no consideration, having lent his name or credit for the accommodation of the holder) is not bound to the person accommodated, but is bound to all other parties, precisely as if there was good consideration.

No consideration is sufficient in law if it be illegal in its nature.

Checks or drafts should be presented during business hours, but in this country, except in the case of banks, the time extends through the day and evening.

If the drawee of a check or draft has changed his residence, the holder must use due reasonable diligence to find him.

If one who holds a check as payee or otherwise, transfers it to another, he has a right to insist that the check be presented that day, or at farthest, on the day following.

A note indorsed in blank (name of the indorser only written) is transferable by delivery, the same as if made payable to bearer.

If the time of payment of a note is not inserted, it is held payable on demand.

The time of payment of a note must not depend on a contingency. The promise must be absolute.

A bill may be written upon paper, or substitute for it, either with ink or pencil.

The payee should be distinctly named in the note, unless it is payable to bearer.

An indorsee has a right of action against all whose names were on the bill when received by him.

If the letter containing a notice of protest of non-payment be put into the post office, any miscarriage does not affect the party giving notice.

Notice of protest may be sent either to the place of business or of residence of the party notified.

The holder of a note may give notice of protest either to all the previous indorsers or only to one of them; in case of the latter he must select the last indorser, and the last must give notice to the last before him, and so on. Each indorser must send notice the

same day or the day following. Neither Sunday or legal holiday is to be counted in reckoning the time in which notice is to be given. The loss of a bill or note is not sufficient excuse for not giving notice of protest.

If two or more persons are jointly liable on a note or bill, due notice of protest to one of them is sufficient.

If a note or bill is transferred as security, or even as payment of a pre-existing debt, the debt revives if the bill or note be dishonored.

An indorsement may be written on the face or the back.

An indorser may prevent his own liability to be sued by writing "without recourse" or similar words.

All claims which do not rest upon a seal or judgment must be sued within the statute of limitation where contracted.

Part payment of a debt usually revives an outlawed claim.

No evidence may be introduced to contradict or vary a written contract, but it may be received in order to explain it when such contract is in need of explanation.

If a bank pays a forged check, the loss falls upon it, as it is bound to know the signature of its own depositor. If a check or bill is fraudulently raised, the drawer is chargeable only with the original amount.

PART II. CHAP. VII.

CLARK'S INTEREST TABLES.

For illustration, we will suppose that A borrows from the Building Society, \$1000, repayable by Clark's interest, based upon 4 per cent in 20 semi-annual instalments. The Society would draw up a mortgage upon A's house and lot for \$1400, repayable in ten years by semi-annual instalments of \$70 each. How they arrive at this is as follows:—The interest for one year at 4 per cent upon \$1000 would be \$40; for ten years, \$400; this is added to the principle, which makes \$1400; divided into 20 instalments of \$70 each. To show the actual rate of interest that the borrower pays, we will assume that if the borrower were to deposit the amount in a bank that would allow him 6 per cent on his deposits (as most men can invest money in the safest of securities at 6 per cent) and see what amount he would have by compounding interest at the end of ten years, when he made his last payment to the Building Society:—

First INSTALMENT paid by borrower at end of 6 months.....	\$70 00
At end of first year, interest upon \$70 at 6 per cent.....	2 10
2nd Instalment paid in	70 00
Total am't in bank at end of first year.....	\$142 10
Interest upon \$142.10 for 6 mo's at 6 per cent.....	4 23
3rd INSTALMENT due and paid in.....	70 00
Total am't in bank at end of 18 mo's.....	\$216 33
Interest upon \$216.33 for 6 mo's at 6 per cent.....	6 49
4th INSTALMENT due and paid in.....	70 00
Total am't in bank at end of 2 years.....	\$292 82
Interest upon \$292.82 for 6 mo's at 6 per cent.....	8 78
5th INSTALMENT due and paid in.....	70 00
Total am't in bank at end of 2 $\frac{1}{2}$ years.....	\$371 60
Interest upon \$371.60 for 6 mo's at 6 per cent.....	11 14
6th INSTALMENT due and paid in.....	70 00
Total amount in bank at end of 3 years.....	\$452 74
Interest upon \$452.74 for 6 mo's at 6 per cent.....	13 58
7th INSTALMENT due and paid in.....	70 00
Total am't in bank at end of 3 $\frac{1}{2}$ years.....	\$536 32
Interest upon \$536.32 for 6 mo's at 6 per cent.....	16 08
8th INSTALMENT due and paid in.....	70 00
Total am't in bank at end of 4 years.....	\$622 32
Interest upon \$622.32 for 6 mo's at 6 per cent.....	18 67

9th INSTALMENT due and paid in.....	\$ 70 00
Total am't in bank at end of 4½ years.....	\$710 99
Interest upon \$710.99 for 6 mo's at 6 per cent.....	21 33
10th INSTALMENT due and paid in.....	70 00
Total am't in bank at end of 5 years.....	\$802 32
Interest upon \$802.32 for 6 mo's at 6 per cent.....	24 07
11th INSTALMENT due and paid in.....	70 00
Total am't in bank at end of 5½ years.....	\$896 39
Interest upon \$896.39 for 6 mo's at 6 per cent.....	26 89
12th INSTALMENT due and paid in.....	70 00
Total am't in bank at end of 6 years.....	\$993 28
Interest upon \$993.28 for 6 mo's at 6 per cent.....	29 79
13th INSTALMENT due and paid in.....	70 00
Total am't in bank at end of 6½ years.....	\$1093 07
Interest upon \$1093.07 for 6 mo's at 6 per cent.....	32 79
14th INSTALMENT due and paid in.....	70 00
Total am't in bank at end of 7 years.....	\$1195 86
Interest upon \$1195.86 for 6 mo's at 6 per cent.....	35 67
15th INSTALMENT due and paid in.....	70 00
Total am't in bank at end of 7½ years.....	\$1301 73
Interest upon \$1301.73 for 6 mo's at 6 per cent.....	39 05
16th INSTALMENT due and paid in.....	70 00
Total am't in bank at end of 8 years.....	\$1410 78
Interest upon \$1410.78 for 6 mo's at 6 per cent.....	42 32
17th INSTALMENT due and paid in.....	70 00
Total am't in bank at end of 8½ years.....	\$1523 10
Interest upon \$1523.10 for 6 mo's at 6 per cent.....	45 69
18th INSTALMENT due and paid in.....	70 00
Total am't in bank at end of 9 years.....	\$1638 79
Interest upon \$1638.79 for 6 mo's at 6 per cent.....	49 16
19th INSTALMENT due and paid in.....	70 00
Total am't in bank at end of 9½ years.....	\$1757 95
Interest upon \$1757.95 for 6 mo's at 6 per cent.....	52 73
20th INSTALMENT due and paid in.....	70 00
Total amount in bank at end of 10 years.....	\$1880 68

The actual interest paid by the borrower upon his loan as above would be 8 4-5th per cent. per annum.

PART III. CHAP. VII.

DIFFERENCE of time between New York City and the Cities named.

A traveler, setting his watch with New York time, which is called Eastern time, he would find the difference by arriving at the places below :—

Buffalo, New York State	the same time.		
Detroit, Michigan State	one hour slow,		
Chicago, Illinois,	"	"	"
Rock Island, "	"	"	"
Cincinnati, Ohio,	"	"	"
Cleveland, "	"	"	"
Burlington Iowa,	"	"	"
Des Moines, "	"	"	"
Galveston, Texas,	"	"	"
Indianapolis, Ind.	"	"	"
Fort William, Canada,	"	"	"
St. Paul, Minnesota,	"	"	"
Little Rock, Arkansas,	"	"	"
New Orleans, Louisiana,	"	"	"
Winnipeg, Man., Canada,	two hours slow.		
Salt Lake City, Utah,	"	"	"
Omaha, Nebraska,	"	"	"
Leavenworth, Kansas,	"	"	"
Bismark, Dakota,	"	"	"
San Antonio, Texas,	"	"	"
San Francisco, Cal.,	three hours slow		
Seattle, Washington Ter.	"	"	
Victoria, British Col. Can.	"	"	

The distance from New York City to San Francisco is 3317 miles, or $150 \frac{55}{80}$ hour's ride by regular railroad time. November 18th, 1883, Sanford Fleming, D. L. S., of Ottawa, Canada, had adopted what is known as the standard time: Dividing the Continent into five time-belts, as follows): Atlantic district includes the Canadian Territory east of Quebec, its time fixed upon the 60th meridian. The Eastern district extends west to Buffalo, having the time of the 75th meridian; The Central district extends to Kansas City, being the 90th meridian time. The Mountain district being the 105th meridian. Pacific time covers the 120th meridian. Atlantic time is four hours slower than Greenwich England; Eastern time five hours; Central time six; Mountain time seven; and Pacific time eight. The reader will not confound the table above, which is Standard railroad time, with the Greenwich time.

PART IV. CHAP. VII.

UNITED STATES ESTIMATE OF VALUES OF FOREIGN COINS AS
REGULATED JAN., 1889, UNDER SECTION
3564, R. S., U. S. A.

Country.	Name of coins.	U. S. Value.
Argentine Republic	Peso	\$ 96 5 mills
Austria	Florin	33 6 "
Belgium	Franc	19 3 "
Bolivia	Boliviano	68
Brazil	Milreis	54 6 "
British Possessions N. A.	Dollar	1 00 "
Chilli	Peso	92 2 "
Cuba	Peso	92 6 "
Denmark	Crown	26 8 "
Eucador	Sucre	68 "
Egypt	Pound	4 94 3 "
France	Franc	19 3 "
German Empire	Mark	23 8 "
Great Britain	Pound sterling	4 86 6½
Greece	Drachma	19 3 "
Gutemala	Peso	68 "
Hayti	Gourde	96 5 "
Honduras	Peso	68
India	Rupee	32 3 "
Italy	Lira	19 3 "
Japan	Yen	99 7 "
Liberia	Dollar	1 00
Mexico	Dollar	1 00
Netherlands	Florin	40 2 "
Nicaragua	Peso	68
Norway	Crown	26 8 "
Peru	Sol	68
Portugal	Milreis	1 00
Russia	Rouble	54 4
Spain	Peseta	19 3 "
Sweden	Crown	26 8 "
Switzerland	Franc	19 3 "
Tripoli	Mahbub	61 4 "
Turkey	Piastre	04 4 "
United States Columbia	Peso	68
Venezuela	Bolivar	13 6 "

PART V.—CHAP. VII.

U. S. PASSPORT REGULATIONS.

CITIZENS of the United States visiting foreign countries are liable to serious inconvenience if unprovided with authentic proof of their national character. The best safeguard is a passport from the Department of State, certifying the bearer to be a citizen of the United States. Passports are issued only to citizens of the United States, upon application, supported by proof of citizenship.

Citizenship is acquired by nativity, by naturalization, and by annexation of territory. An alien woman who marries a citizen of the United States thereby becomes a citizen. Minor children resident in the United States become citizens by the naturalization of their father.

When the applicant is a native citizen of the United States he must transmit his own affidavit of this fact, stating his age and place of birth, with the certificate of one other citizen of the United States to whom he is personally known, stating that the declaration made by the applicant is true. The affidavit must be attested by a notary public, under his signature and seal of office. When there is no notary in the place, the affidavit may be made before a justice of the peace or other officer authorized to administer oaths; but if he has no seal, his official act must be authenticated by certificate of a court of record.

A person born abroad who claims that his father was a native citizen of the United States must state in his affidavit that his father was born in the United States, had resided therein, and was a citizen of the same at the time of the applicant's birth. This affidavit must be supported by that of one other citizen acquainted with the facts.

NATURALIZED CITIZENS.—If the applicant be a naturalized citizen, his certificate of naturalization must be transmitted for inspection (it will be returned with the passport), and he must state in his affidavit that he is the identical person described in the certificate presented. Passports cannot be issued to aliens who have only declared their intention to become citizens.

Military service does not of itself confer citizenship. A person of alien birth, who has been honorably discharged from military service in the United States, but who has not been naturalized, should not transmit his discharge paper in application for a passport, but should apply to the proper court for admission to citizenship, and transmit a certified copy of the record of such admission.

In issuing passports to naturalized citizens, the department will be guided by the naturalization certificate; and the signature to the application and oath of allegiance should conform in orthography to the applicant's name as written in the naturalization paper.

Every applicant is required to state his occupation and the place of his permanent legal residence, and to declare that he goes abroad for temporary sojourn and intends to return to the United States with the purpose of residing and performing the duties of citizenship therein. The wife or widow of a naturalized citizen must transmit the naturalization certificate of the husband, stating in her affidavit that she is the wife or widow of the person described therein. The children of a naturalized citizen, claiming citizenship through the father, must transmit the certificate of naturalization of the father, stating in their affidavits that they are children of the person described therein, and were minors at the time of such naturalization.

The oath of allegiance to the United States will be required in all cases.

APPLICATIONS.—The application should be accompanied by a description of the person, stating the following particulars, viz.: Age, — years. Stature, — feet, — inches (English measure). Forehead, — eyes, — nose, — mouth, — chin, — hair, — complexion, — face, —.

If the applicant is to be accompanied by his wife, minor children, or servants, it will be sufficient to state the names and ages of such persons and their relationship to the applicant, when a single passport for the whole will suffice. For any other person in the party a separate passport will be required. A woman's passport may include her minor children and servants.

FEE REQUIRED.—By act of Congress approved March 23, 1888, a fee of one dollar is required to be collected for every citizen's passport. That amount in currency, postal money order, or postal note should accompany each application. Orders should be payable to the disbursing clerk of the department of State.

A passport is good for two years from its date and no longer. A new one may be obtained by stating the date and number of the old one, paying the fee of one dollar, and furnishing satisfactory evidence that the applicant is at the time within the United States.

Citizens of the United States desiring to obtain passports while in a foreign country must apply to the chief diplomatic representative of the United States in that country, or in the absence of a diplomatic representative, then to the consul-general, if there be one, or, in the absence of both the officers last named, to a consul.

To persons wishing to obtain passports for themselves, blank forms of application will be furnished by this department on request, stating whether the applicant be a native or a naturalized citizen. Forms are not furnished, except as samples, to those who make a business of procuring passports.

Communications should be addressed to the department of State, endorsed "Passport Division," and each communication should give the postoffice address of the person to whom the answer is to be directed. Professional titles will not be inserted in passports.

PART VI.—CHAP. VII.

AMENDMENT TO THE "POST OFFICE ACT" OF THE DOMINION OF CANADA.

[Assented to May 24, 1889.]

POST OFFICE DEPARTMENT, CANADA.

OTTAWA, 20TH MAY, 1889.

The attention of postmasters is called to the following changes in the rates of postage consequent on the passing of the act to amend the post office act, 52 Viet., chapter 20:—

1. The registration fee upon letters and upon all other matter transmissible by mail within the Dominion of Canada, to Newfoundland or the United States, will be five cents—to be prepaid by stamp. All classes of matter posted in and addressed to Canada may be registered.

2. The rate of postage upon letters passing from one post office to another within the Dominion or to the United States is three cents per ounce or fraction thereof, to be prepaid by postage stamp.

Letters addressed to any place in Canada upon which any postage has been prepaid by stamp are to be forwarded to their destination charged with double the amount of the postage thereon not so prepaid, which amount is to be collected on delivery.

3. The postage upon "Drop Letters," that is letters posted and delivered at the same post office, is one cent per ounce to be prepaid by postage stamp, except in cases where there is a delivery by letter carriers, when the rate is two cents per ounce to be prepaid by postage stamp.

Letters posted at suburban post offices where there is no delivery by letter carriers, addressed to the cities where there is a delivery by letter carriers, of which such offices are suburbs, will be charged two cents.

4. The rate of postage on newspapers and periodical publications printed and published in Canada, and issued less frequently than at intervals of one month, from a known office of publication or news agency, and addressed and posted by and from the same to regular subscribers or news agents, and on all specimen newspapers, is one cent per pound or fraction of a pound, to be prepaid by postage stamp or otherwise as the postmaster general from time to time directs.

5. The following changes have been made in the definition of a newspaper:—

"Such newspaper or periodical is known and recognized as a newspaper or periodical in the generally received sense of the word and consists wholly or in great part of political or other news, or articles relating thereto, or to other current topics, and is published regularly at intervals of not more than one month."

"The full title, place and date of publication, and the distinguishing number of the issue, are printed at the top of the first and every subsequent page, and also on any paper, print, lithograph or engraving purporting to be a supplement to it and sent with it."

6. The rate of postage upon all newspapers and periodicals posted in Canada not otherwise provided for, and on books, pamphlets, occasional publications, printed circulars, prices current, hand bills and other matter wholly in print, and on packages of seeds, cuttings, bulbs, roots, scions or grafts, patterns or samples of goods or merchandise, is one cent per four ounces or fraction thereof to be prepaid by postage stamp or stamped postband or wrapper.

7. Upon all book and newspaper manuscript, printers' proof-sheets, whether corrected or not, maps, prints, drawings, engravings, lithographs, photographs, when not on glass or in cases containing glass, sheet music whether printed or written, documents partly printed or written, not being letters or intended to serve the purpose of letters—such as deeds, insurance policies, militia and school returns, or other documents of like nature,—and on all other miscellaneous matter transmissible by post not otherwise provided for—the rate of postage is one cent for each two ounces or fraction of two ounces to be prepaid by postage stamp or stamped postband or wrapper.

8. The particular attention of postmasters is called to the following provisions of the statute as respects the collection of customs' duties :—

"Every postmaster, clerk or other person employed in the postal service of Canada shall detain any post letter, parcel, package or other article of mail matter, which contains or is suspected to contain any contraband goods, or any goods, article or object subject under any customs or other revenue law to duty on being imported into Canada, or the importation of which into Canada is prohibited, and shall deliver the same to a collector or other proper officer of customs, who may cause the same to be opened in his presence and for his inspection by the person to whom it is addressed, or some one by him thereto authorized, for the purpose of ascertaining and exacting the proper amount of duty, if any, payable thereon; and after payment of duty, if any is found to be payable, the letter, parcel, package or any other article of mail matter shall, if the person to whom it is addressed or his authorized agent is present, be handed over to him on his paying the postage, if any, charged thereon, or if he is not present, it shall be returned to the post office and be forwarded to the place to which it is addressed; but if such post letter, parcel, package or other article of mail matter is found to contain contraband goods or any article the

importation of which is by law prohibited, the same shall be forfeited and be dealt with as the law directs."

Attention is also called to section 118 of the said act, which, as amended reads as follows:—

"Every officer, clerk and person employed in the postal service of Canada shall be deemed and held to be employed in the prevention of smuggling and for the enforcement of the revenue laws of Canada and shall be subject to all the requirements and penalties and vested with the like protection as that provided for under the Customs and Audit Acts, and no such officer, clerk or person shall deliver or permit to be delivered to the person to whom it is addressed any post letter, parcel or package, or other article of mail matter which contains or is suspected to contain any dutiable goods until the duty payable thereon under any act respecting the customs has been paid to an officer of customs in the manner prescribed by law or by regulations in that behalf."

The law imposes the same obligations on the officers of the two departments, and the object sought is the protection of the revenue, which will be best attained by vigilance and harmony of action on the part of those officers through whose hands dutiable mail matter is required to pass.

JOHN G. HAGGART,

Postmaster General.

[NOTE.—As the Postal Regulations of Canada upon page 136 were in press when the above departmental order was issued, making certain important changes, we have been compelled to insert it in this chapter.—AUTHOR.]

CHAPTER VIII.

PART I.—An Outline of United States form of Government ; Declaration of Independence of the United States; Constitution and Amendments thereto of the U. S. PART II.—The Magna Charter of King John of England. PART III.—Biographical Sketches of the Lives of the United States Presidents from Washington to General Harrison. PART IV.—Facts about the Royal Family of Great Britain and a sketch of her Majesty's residence ; a brief outline of Canada's greatest statesman, Sir John A. MacDonald.

PART I.—CHAP. VIII.

AN OUTLINE OF HOW THE UNITED STATES GOVERNMENT IS FORMED AND U. S. COURTS.

The States of the Union in their internal affairs are independent ; they delegate a portion of their power to a central government, whose laws are paramount to State authority, if the laws are constitutional. The government consists of three branches : The executive, legislative and judicial. The execution power is vested in the President, who with the Vice-President, is elected every four years, by an electoral college, each State returning as many electors as they are entitled to Senators and Members of Congress. These electors are chosen every presidential election in each State. The electors meet in each State on the first Wednesday in December and cast their votes for the ticket they were elected for. That is the electors are chosen by the republican party as candidates to vote that ticket, and for the democrats or prohibitionists (as the party may be) to vote their respective ticket, or in other words chosen to perform without discretion that party, State or official act only. On the second Wednesday in February the certificates of the votes from all the States as cast, are opened by the President of the Senate in presence of the two houses of Congress, when the votes are counted and the result declared. The official term of the offices declared elected begins on the 4th of March following. In case of the removal by death, resignation, or inability of the President, the Vice-President succeeds to the presidency, and if the disability be not temporary, serves the remainder of the presidential term, and in case of failure of both President and Vice President, the President of the Senate *pro tempore*, or in case there be no president of the senate, the Speaker of the House of Representatives is to act as president.

On December: 15th, 1885, the following amendment to the succession was enacted "That in case of removal, death, resignation or inability of both President and Vice-president of the United States, the Secretary of the State, or if there be none, or in case of his re-

removal, death or resignation, or inability, then the Secretary of the Treasury, or if there be none, or in case of his removal, death, resignation, or inability, then the Attorney-General or if there be none, or in case of his removal, death, resignation, or inability, then the Postmaster General, or if there be none, or in case of his removal, death, resignation or inability, then the Secretary of the Interior, shall act as President or Vice President or is removed or a president shall be elected. Provided, that whenever the powers and duties of the office of President of the United States shall devolve upon any of the persons named herein, if Congress be not in session, or if it would not meet in accordance with law within twenty days thereafter, it shall be the duty of the person upon whom said powers and duties shall devolve to issue a proclamation convening Congress in extraordinary session, giving twenty days' notice of the time of meeting.

Sec. 2. That the preceding section shall only be held to describe and apply to such officers as shall have been appointed by the advice and consent of the senate to the offices therein named, and shall as such only be eligible to the office of President under the constitution, and not under impeachment by the House of Representatives of the United States at the time the powers and duties of the office shall devolve upon them respectively.

When there is no election of President by the people for want of a majority of electoral votes for any one candidate, the house of representatives chooses the president from the three having the highest votes, the body of representatives from each State, casting a single vote. When the election results in no choice for Vice-President, that officer is chosen by the Senate from the two who have received the highest number of votes.

NOTE.—(To make this more distinctly understood, we will give an example: Suppose A was the republican candidate for President, C was the democratic candidate, D the prohibition candidate and E was the united labor candidate. A receives in the electoral college, 125 votes, B receives 100 votes, C 75 votes and D 40 votes, and the total college vote was 340, thus it would require some one candidate to obtain 171 votes to be elected, in which case none of the candidates would be elected, and only A B and C would be eligible to have their names presented to the Senate for to be chosen President, as they are three highest.)

The President may be removed by impeachment, for and on conviction of treason, bribery, or other high crimes and misdemeanors. He is commander-in-chief of the army and navy, and of the militia of the several States when they are called into actual service of the general government, and he has power, by and with the advice and consent of the Senate, to make treaties, and to appoint ministers and other public officers of the United States whose appointment is not otherwise provided for. The President receives a salary of \$50,000 a year, and the Vice-president \$10,000. All acts of Congress, over which he has a veto, must be presented to

him before they become law. Laws can be passed over his veto by a two-thirds vote of the majority, in both houses of congress. The president is assisted by a cabinet of seven, called the secretaries of state, of the treasury, of the interior, of war, and of the navy, the attorney-general, and postmaster-general, who are nominated by him and confirmed by the Senate, and are the heads of the seven executive departments of the government. They receive \$8000 a year each. The principal duties of the Secretary of State relate to foreign affairs. Besides other matters relating more directly to finance, the Secretary of the Treasury superintends the collection of duties and internal revenue. There are in the department of the treasury a treasurer, commissioner of customs, commissioner of internal revenue, and comptroller of the currency; also a bureau of the mint, which has under its control all the mints and assay offices of the United States. The Secretary of the Interior is charged among other things with the supervision of public business relating to the census, public lands (including mines), Indian pensions, and bounty lands, patents, custody and distribution of publications, education, and certain duties relating to territories. The most important of these functions are intrusted to the commissioner of the general land office, commissioner of Indian affairs, commissioner of pensions, commissioner and assistant commissioner of patents, superintendent of public documents, and commissioner of education, who are appointed by the President with the consent of the Senate. The department of agriculture (which is not an executive one), under the charge of a commissioner of agriculture, is designed to obtain and diffuse useful information relating to agriculture, and to procure and distribute new and useful seeds and plants. The national legislature consists of a congress composed of a Senate and House of Representatives. The Senate consists of two Senators from each State, chosen by the respective legislatures for six years, in such a way that one-third of the whole body goes out of office every two years. The Vice-President of the United States is president of the Senate *ex officio* and the Senate elects a president *pro tempore* to serve in his absence; the vice-president has only a casting vote. The senate has sole power to try all impeachments. The House of Representatives is composed of members chosen for two years by the people of each State. They are apportioned among the several States according to their representative population, excluding Indians not taxed. Every State is at least entitled to one representative. There are also delegates, one from each organized territory, who are entitled to speak in the House, but not to vote. The election for representatives and delegates to Congress is held biennially on the Tuesday next after the first Monday in November in even years. The House of Representatives chooses its own speaker and other officers; has sole power of impeachment; and originates all bills relating to revenue. Members of both Senate and House receive \$5000 a year and mileage at the rate of 20 cents for each mile of travel in going to and returning from the seat of government. The pay of the Speaker of the House is \$8000 a year.

The regular sessions of Congress begin on the first Monday of December in each year, and extra sessions may be called by the President. The term of office of the representatives, and consequently the duration of each Congress, expires by law on the 4th day of March of every odd year. Congress has power to lay and collect taxes, imposts, and excises, which must be uniform throughout the United States; to borrow money on the credit of the United States; to regulate commerce with foreign nations; among the several states, and with the Indian tribes; to coin money; to define and punish piracy and offences against the law of nations; to declare war; to raise and support an army and navy; to provide for calling forth the militia when required; and to exercise exclusive legislation over the District of Columbia. The judiciary comprises a Supreme Court, Circuit Courts, District Courts, and the Court of Claims. There are also the Supreme Court of the District of Columbia, and the Territorial Courts, the judges of which are appointed by the President. Besides this each State has its own independent judiciary. The Supreme Court consists of a Chief Justice (salary \$10,500 per year) and eight associate justices (salary \$10,000 each). It holds one session annually in Washington, beginning on the second Monday in October. The United States is divided into nine judicial circuits. There is a Circuit Judge (salary \$6000) resident in each circuit, and a Justice of the Supreme Court visits each circuit for the purpose of holding Circuit Court. Circuit Courts are held by the Justice of the Supreme Court assigned to the circuit, or by the Circuit Judge of the circuit, or by the District Judge of the district, or by any two of them sitting together. The United States is also divided into fifty-seven districts, in each of which there is a court, composed of one judge, who resides in the district for which he is appointed. All the judges of the federal courts are appointed for life by the President with the consent of the Senate. The qualification of voters in the United States are prescribed by the States respectively; the fifteenth amendment to the federal constitution provides that the right of citizens to vote shall not be denied or abridged on account of race, color or previous condition of servitude. The executive power of each organized territory is vested in a governor, who is appointed for four years by the President of the United States with the consent of the Senate. The legislative power is vested in a council and house of representatives chosen by the people for two years. A delegate to Congress is elected by the people in each territory for two years. The legislation of the territories is subject to revision by Congress. The Judges of the Supreme Court of each territory are also appointed by the President. All ministers to foreign countries are appointed by the President, and confirmed by the Senate. And also every chief office in the civil service is under the appointment of the President as the executive officer of the realm.

DECLARATION OF INDEPENDENCE.

July 4, 1776.

A DECLARATION BY THE REPRESENTATIVES OF THE UNITED STATES
OF AMERICA IN CONGRESS ASSEMBLED :

When, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitles them, a decent respect of the opinions of mankind requires that they should declare the causes which impel them to the separation.

WE HOLD THESE TRUTHS TO BE SELF-EVIDENT :—that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it, and to institute new government, laying its foundation on such principles, and organizing its powers in such forms, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate, that governments long established should not be changed for light or transient causes; and accordingly all experience hath shown, that mankind are more disposed to suffer while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferings of these Colonies; and such is now their necessity, which constrains them to alter their former systems of government. The history of the present King of Great Britain (George III. of the House of Brunswick) is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these states. To prove this, let facts be submitted to a candid world :

He has refused his assent to laws the most wholesome and necessary for the public good. He has forbidden his governors to pass laws of immediate and pressing need and importance, unless suspended, in their operation, till his assent should be obtained; and when so suspended, he has utterly neglected to attend to them. He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature; a right inestimable to them, and formidable to tyrants only.

He has called together legislative bodies of places unusual, un-

comfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved representative houses repeatedly, for opposing, with manly firmness, his invasions on the rights of the people.

He has refused, for a long time after such dissolutions, to cause others to be elected; whereby the legislative powers, incapable of annihilation, have returned to the people at large, for their exercise; the State remaining, in the mean time, exposed to all the dangers of invasion from without, and convulsions within.

He has endeavored to prevent the population of these States; for that purpose obstructing the laws for naturalization of foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new appropriations of lands.

He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers.

He has made Judges dependant on his will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of new offices, and sent hither swarms of officers to harass our people, and to eat out their substance.

He has kept among us, in times of peace, standing armies, without the consent of our legislatures.

He has effected to render the military independent of, and superior to, the civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitutions, and unacknowledged by our laws; giving his assent to their acts of pretended legislation.

For quartering large bodies of armed troops among us:

For protecting them, by a mock trial, from punishment for any murders which they should commit on the inhabitants of these States.

For cutting off our trade with all parts of the world:

For imposing taxes on us without our consent:

For depriving us, in many cases, of the benefits of trial by jury:

For transporting us beyond seas to be tried for pretended offences:

For abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies.

For taking away our charter, abolishing our most valuable laws, and altering, fundamentally, the forms of our government:

For suspending our own legislatures, and declaring us out themselves invested with power to legislate for us in all cases whatsoever,

He has abdicated government here, by declaring us out of his protection, and waging war against us.

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is, at this time, transporting large armies of foreign mercenaries to complete the works of death, desolation and tyranny, already begun with circumstances of cruelty and perfidy, scarcely paralleled in the most barbarous ages, and totally unworthy of the head of a civilized nation.

He has constrained our fellow citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

He has excited domestic insurrections amongst us, and has endeavored to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions.

In every stage of these oppressions, we have petitioned for redress in the most humble manner; our repeated petitions have been answered only by repeated injury. A prince whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in attentions to our British brethren. We have warned them, from time to time, of attempts by their legislature to extend an unwarrantable jurisdiction over us; we have reminded them of the circumstances of one emigration and settlement here; we have appealed to their native justice and magnanimity; and we have conjured them, by the ties of common kindred, to disavow these usurpations, which would inevitably interrupt our connexions and correspondence. They, too, have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity which denounces our separation, and hold them as we hold the rest of mankind, enemies in war; in peace friends.

We, therefore, the Representatives of the United States of America, in General Congress assembled, appealing to the Supreme Judge of the world for rectitude of our intentions, do in the name and by the authority of the good people of these colonies, solemnly publish and declare, that these United Colonies are, and of right ought to be, FREE AND INDEPENDENT STATES; that they are absolved from all allegiance to the British Crown, and that all political connexion between them and the State of Great Britain is, and ought to be, totally dissolved; and that, as free and independent States, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent States may of right do. And for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor.

John Hancock, Mass.

Josiah Bartlett, Mass.

William Whipple, Me.

Matthew Thornton, Ireland.

Abraham Clarke, N. J.

Robert Morris, England.

Benjamin Rush, Pa.

Benjamin Franklin, Mass.

Samuel Adams, Mass.
 John Adams, Mass.
 Robert Treat Paine, Mass.
 Elbridge Gerry, Mass.
 Stephen Hopkins, R. I.
 William Ellery, R. I.
 Roger Sherman, Mass.
 Samuel Huntington, Conn.
 William Williams, Conn.
 Oliver Wolcott, Conn.
 William Floyd, N. Y.
 Philip Livingston, N. Y.
 Francis Lewis, England.
 Lewis Morris, N. Y.
 Richard Stockton, N. J.
 John Witherspoon, Scotland.
 Francis Hopkinson, Pa.
 John Hart, N. J.
 Francis L. Lee, Va.
 Carter Braxton, Va.
 William Hopper, Mass.
 Joseph Hews, N. J.
 John Penn, Va.
 Edward Rutledge, S. C.

John Morton, Pa.
 George Clymer, Pa.
 James Smith, Ireland
 George Taylor, Ireland.
 James Wilson, Scotland.
 George Ross, Del.
 Cesar Rodney, Del.
 George Reed, Md.
 Thomas McKean, Pa.
 Samuel Chase, Md.
 William Paca, Md.
 Thomas Stone, Md.
 Charles Carroll, Md.
 George Wythe, Va.
 Richard H. Lee, Va.
 Thomas Jefferson, Va.
 Benjamin Harrison, Va.
 Thomas Nelson, Va.
 Thomas Heyward, jr. S. C.
 Thomas Lynch, S. C.
 Arthur Middleton, S. C.
 Button Gwinnet, England.
 Lyman Hall, Conn.
 George Walton, Va.

CONSTITUTION OF THE UNITED STATES.

We, the people of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution of the United States of America.

ARTICLE I.

SEC. 1.—All legislative powers herein granted, shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SEC. 2.—The House of Representatives shall be composed of members chosen every second year, by the people of the several states; and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

No person shall be a Representative who shall not have attained the age of twenty-one, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of the state in which he shall be chosen.

Representatives and direct taxes shall be apportioned among the several states which may be included within the Union according to their respective numbers, which shall be determined by

adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they by law shall direct. The number of Representatives shall not exceed one for every thirty thousand, but each state shall have at least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three; Massachusetts, eight; Rhode Island and Providence Plantations, one; Connecticut, five; New York, six; New Jersey, four; Pennsylvania, eight; Delaware, one; Maryland, six; Virginia, ten; North Carolina, five; South Carolina, five; and Georgia, three.

When vacancies happen in the representation from any state, the executive thereof shall issue writs of election to fill such vacancies.

The House of Representatives shall choose their speaker and other officers, and shall have the sole power of impeachment.

SEC. 3.—The Senate of the United States shall be composed of two Senators from each state, chosen by the Legislature thereof, for six years; and each Senator shall have one vote.

Immediately after they shall be assembled, in consequence of the first election, they shall be divided, as equally as may be, into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year; of the second class, at the expiration of the fourth year; of the third class, at the expiration of the sixth year; so that one-third may be chosen every second year; and if vacancies happen by resignation or otherwise, during the recess of the Legislature of any state, the executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies.

No person shall be a Senator who shall not have attained to the full age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

The Vice-President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

The Senate shall choose their officers, and also president pro tempore, in the absence of the Vice-president, or when he shall exercise the office of President of the United States.

The Senate shall have the sole power to try all impeachments. When sitting for the purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

Judgment, in all cases of impeachments, shall not extend farther than a removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit, under the United States;

but the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment and punishment according to law.

SEC. 4.—The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

The Congress shall assemble at least once in every year; and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SEC. 5.—Each House shall be judge of the elections, returns, and qualifications of its own members; and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties, as each house may provide.

Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and with the concurrence of two thirds, expel a member.

Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may, in their judgment, require secrecy; and the yeas and nays of the members of either House, on any question, shall, at the desire of one-fifth of those present, be entered on the journal.

Neither house, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

SEC. 6.—The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall, in all cases, except treason, felony, and the breach of the peace, be privileged from arrest, during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding any office under the United States, shall be a member of either house during his continuance in office.

SEC. 7.—All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

Every bill, which shall have passed the house of representatives and the senate, shall, before it becomes a law, be presented to the President of the United States; If he approves he shall sign it; but if not, he shall return it with his objections to the house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such

reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered ; and if approved by two-thirds of that house, it shall become law. But in all such cases, the votes of both houses shall be determined by yeas and nays ; and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Congress, by their adjournment, prevent its return ; in which case it shall not be law.

Every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States ; and, before the same shall take effect, shall be approved by him, or being disapproved by him shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

SEC. 8.—The Congress shall have the power:—

To pay and collect taxes, imposts, and excises : to pay the debts, and provide for the common defence and general welfare of the United States ; but all duties, imposts, and excises shall be uniform throughout the United States.

To borrow money on the credit of the United States.

To regulate commerce with foreign nations, and among the several states, and with the Indian tribes.

To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies, throughout the United States.

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures.

To provide for the punishment of counterfeiting the securities and current coin of the United States.

To establish postoffices and post roads.

To promote the progress of science and useful arts by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries.

To constitute tribunals inferior to the Supreme Court. To define and punish piracies and felonies committed on the high seas, and offences against the law of nations.

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.

To raise and support armies ; but no appropriation of money to that use shall be for a longer period than two years.

To provide and maintain a navy.

To make rules for the government and regulation of the land and naval forces.

To provide for calling forth militia to execute the laws of the Union, suppress insurrections, and repel invasions.

To provide for organizing, arming, and disciplining the militia, and for governing such parts of them as may be employed in the

service of the United States; reserving to the States respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress.

To exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square) as may by cession of particular states, and the acceptance of Congress become the seat of government of the United States, and to exercise like authority over all places purchased by consent of the legislature of the State in which the same shall be, for the creation of forts, magazines, arsenals, dock-yards, and their needful buildings:—And

To make all laws which shall be necessary and proper, for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof.

SEC. 9.—The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight; but a tax or duty may be imposed on each importation not exceeding ten dollars for each person.

The privileges of the writ of *habeas corpus* shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

No bill of attainder, or *ex post facto* law, shall be passed.

No capitation, or other direct tax shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.

No tax or duty shall be laid on articles exported from any State. No preferences shall be given, by any regulation of commerce or revenue, to the ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.

No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States, and no person holding any office of benefit or trust under them, shall without the consent of Congress accept any present, emolument, office or title, of any kind whatever, from any king, prince or foreign state.

SEC. 10.—No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money, emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts; or grant any title of nobility.

No State shall, without the consent of Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of

all duties and imposts laid by any State on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress. No State shall, without the consent of Congress, lay any duty on tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with any other State or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II.

SEC. 1.—The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with Vice-President, chosen for the same term, be elected as follows :

Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative or person holding an office of trust or profit under the United States, shall be appointed an elector.

The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

No person except a natural born citizen, or a citizen of the United States at the time of the adoption of this constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident of the United States.

In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President. And the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as president; and such officer shall act accordingly, until the disability be removed or a president shall be elected.

The President shall at stated times, receive for his services a compensation which shall neither be increased nor diminished during the period for which he shall have been elected; and he shall not receive, within that period, any other emolument from the United States or any of them.

Before he can enter on the execution of his office, he shall take the following oath or affirmation :

"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States,"

SEC. 2.—The President shall be commander-in-chief of the

army and navy of the United States, and of the militia of the several States, when called into actual service of the United States; he may require the opinion in writing of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice of the Senate, shall appoint ambassadors, other public ministers, and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein provided for, and which shall be established by law. But the Congress may by law vest the appointment of such inferior officers as they think proper, in the President alone, in the courts of law, or the heads of departments.

The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

SEC. 3.—He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them; and in case of disagreement between them, with respect to the time of adjournment, he may adjourn to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed; and shall commission all the officers of the United States.

SEC. 4.—The President, Vice president, and all civil officers of the United States shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ARTICLE III.

SEC. 1.—The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The Judges, both of the Supreme Court and inferior courts shall hold their offices during good behavior, and shall, at stated times receive for their services a compensation which shall not be diminished during their continuance in office.

SEC. 2.—The judicial power shall extend to all cases in law and equity, arising under this constitution, the laws of the United States, and treaties made, or which shall be made, under this authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States, between a State and citizen of another State, between citizens of different

States, between citizens of same State claiming lands under grants of different States and between a State or the citizens thereof, and foreign States, citizens, or subjects.

In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations, as the Congress shall make.

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

SEC. 3.—Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

The Congress shall have the power to declare the punishment of treason; but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attained.

ARTICLE IV.

SEC. 1.—Full faith and credit shall be given, in each State, to the public acts, records and judicial proceedings of every other State; and the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

SEC. 2.—The citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States.

A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

No person held to service or labor in one State, under the laws thereof, escaping into another State, shall, in consequence of any law or regulation therein, be discharged from such service or labor; but shall be delivered up, on claim of the party to whom such services or labor may be due.

SEC. 3.—New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State, nor any other State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned, as well as of the Congress.

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this constitution

shall be construed as to prejudice any claims of the United States, or any particular State.

SEC. 4.—The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion: and, on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.

ARTICLE V.

The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this constitution or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments; which in either case, shall be valid, to all intents and purposes, as part of this constitution, when ratified by the legislature of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: provided, that no amendment which may be made prior to the year one thousand eight hundred and eight, shall, in any manner, affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI.

All debts contracted, and engagements entered into, before the adoption of this constitution, shall be as valid against the United States, under this constitution, as under the confederation.

This constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States shall be supreme law of the land; and the Judges in every state shall be bound thereby; anything in the constitution or laws of any state to the contrary notwithstanding.

The Senators and the Representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation to support this constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII.

The ratification of the conventions of nine States shall be sufficient for the establishment of this constitution between the States so ratifying the same.

Geo. WASHINGTON, President.

WILLIAM JACKSON, Secretary.

AMENDMENTS TO THE CONSTITUTION.

ART. I.—Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble and to petition the government for redress of grievances.

ART. II.—A well regulated militia being necessary to the security of a State, the right of the people to keep and bear arms shall not be infringed.

ART. III.—No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

ART. IV.—The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ART. V.—No person shall be held to answer for a capital, or otherwise infamous crime, unless on presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service, in time of war or public danger; nor shall any person be subject, for the same offence, to be twice put in jeopardy of life and limb, nor shall private property be taken for public use, without just compensation.

ART. VI.—In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses in his favor; and to have the assistance of counsel for his defence.

ART. VII.—In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by jury shall be otherwise re-examined in any other court of the United States, than according to the rules of the common law.

ART. VIII.—Excessive bail shall not be required, nor excessive fines imposed nor cruel and unusual punishments inflicted.

ART. IX.—The enumeration in the constitution of certain rights shall not be construed to deny or disparage others retained by the people.

ART. X.—The powers not delegated to the United States by the constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

ART. XI.—The judicial power of the United States shall not be construed to extend to any law suit or equity, commenced or prosecuted against one of the United States, by citizens of another state, or by citizens or subjects of any foreign state.

ART. XII. SEC. 1.—The electors shall meet in their respective States and vote by ballot for President and Vice-President, one of whom at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots, the person voted for as president, and in distinct ballots the person voted for as vice-president; and they shall make distinct lists of all persons voted for as president and of all persons voted for as vice-president, and of the number of votes for each, which list they shall sign and certify, and transmit sealed to the seat of government of the United States directed to the President of the Senate; the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for president shall be president, if such number be a majority of the whole number of electors appointed; and if no person have such majority then from the persons having the highest numbers, not exceeding three, on the list voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the vote shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-president shall act as President as in the case of death, or other constitutional disability of the president.

The person having the greatest number of votes as Vice-president shall be the vice president, if such number be a majority of the whole number of the electors appointed; and if no person have a majority then from the two highest numbers on the list the Senate shall choose the Vice-president; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-president of the United States.

ART. XIII. SEC. 1.—Neither slavery, nor involuntary servitude except as punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

SEC. 2.—Congress shall have power to enforce this Article by appropriate legislation.

ART. XIV. SEC. 1.—All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. *No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.*

SEC. 2.—Representatives shall be apportioned among the several

States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed ; but when the right to vote at any election for choice of electors for President and Vice president of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion of the number of such male citizens twenty one years of age in such State.

SEC. 3.—No person shall be Senator or Representative in Congress, or elector of President and Vice-president or hold any office, civil or military, under the United States or under any State, who, having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any legislature, or as an executive or judicial officer of any State, to support the constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each house remove such disability.

SEC. 4.—The validity of the public debt of the United States, authorized by law, including debts incurred for payments of pensions and bounties for service in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any state shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for loss or emancipation of any slave ; but all such debts, obligations, and claims shall be held illegal and void.

SEC. 5.—The Congress shall have power to enforce, by appropriate legislation, the provisions of this Article.

ART. XV. SEC. 1.—The right of citizens of the United States to vote shall not be denied or abridged by the United States or any state on account of race, color or previous condition of servitude.

SEC. 2.—The congress shall have power to enforce this Article by appropriate legislation.

PART II.—CHAP. VIII.

THE MAGNA CHARTA, THE ORIGIN OF CIVILIZED LIBERTIES SIGNED BY KING JOHN OF ENGLAND.

The origin of civilized liberties may be said to have been given to the world under the Magna Charta. It is in constitutional sense a guarantee to the people in perpetuity the enjoyment of these rights and liberties. While in form it was originally only a gift of these rights and liberties by the king, and subject to his prerogative. But in substance and fact it became the guaranty of the Anglo-Saxon institutions and usages favorable to liberty which had been almost suppressed by the Norman conquerors. The nobles found that these usages or the principles involved in them, were all they wanted to secure these rights; and by demanding them only, they secured such co-operation on the part of the clergy and the cities. The principal provisions of the charter were determined upon and ratified in a preliminary instrument by the King; and then he met the deputies of his nobles, and some of his clergy at Runnymede, where, on June 15, 1215, the charter was executed. It bears the seal of the king, and of a large number of nobles; many copies were made out at once. Two of these originals, for all may be called so, are still preserved in the Cottonian Library in the British museum. In the subsequent reigns, Magna Charta was repeatedly confirmed. While it was originally, as before stated, intended, mainly for the nobles and landlords of England, and that subject to the king's pleasure, but as right will conquer, it was broad enough to grant those rights and liberties to all men in the realm. Its force was never lost by disuse, and its principles never forgotten. It confirmed the liberties of the church, and released the grievances incidental to feudal tenures which were both oppressive and despotic. It restrained the royal prerogative of purveyance and pre-emption. It prohibited unlawful amercements, distresses, or punishments. It regulated forfeiture of lands and prevented the grant of exclusive fisheries, or of new bridges injurious to a neighborhood. It established, or founded, the right of the owner of personal property to dispose of it by will, and it put the law of dower on the footing it has since occupied. It protected merchants, required uniformity of weights and measures and forbade alienation of lands in mortmain. It guarded against delays and denials of justice, and brought trial of issues within reach of all freemen by means of assizes and circuits. It asserted and confirmed certain liberties of the city of London, and all other cities, boroughs and towns, and parts of the kingdom. It protected every freeman from loss of life, liberty and property, except by the judgment of his peers or the law of the land, and by it the king promised that, "*we will sell to no man, we will not deny or delay to any man, right or justice.*" This charter is often appealed to in every civilized country in the world; and its principles are embodied, in some form, in every constitution in the civilized nations of the world.

PART III.—CHAP. VIII.

BIOGRAPHIES OF ALL THE PRESIDENTS OF THE UNITED STATES FROM
WASHINGTON TO GENERAL HARRISON—1789 TO 1889—100 YEARS.

GEORGE WASHINGTON,

The First President of the United States, 1789 to 1796.

He was born at Mount Vernon, Dec. 14, 1732; was of English parentage, a farmer, planter and surveyor by occupation; he was elected delegate to the Continental Congress in 1774, and early the next year chosen commander-in-chief of the revolutionary armies. His first attack was at Boston, in March, 1776, where he made the British evacuate; he next met disaster at Long Island and Fort Washington, but regained by victories at Trenton and Princeton; checkmated by several unforeseen reverses, among them Brandywine and Germantown; and the inclemencies of a winter; but the opening leaves of the spring of 1778, he won Monmouth; after two years of skirmishing warfare the crowning victory was gained by Lafayette returning from Arnold's attack at Virginia and joining him at the battle of Yorktown in 1781. After this he retired upon his farm and did not appear again in public life until he was appointed to go to Philadelphia in 1787, where the Constitution of the United States was framed. Afterwards he was chosen by a unanimous vote of the electoral college as the first president, and was inaugurated on the 6th day of April, 1789. He was elected for a second term in 1792, and at the close of that term, in 1796, he sent his farewell address to Congress, and on the expiration of his term retired from public life. He married Mrs. Martha Custis, a wealthy widow, in 1759, but never had a child born to them. He was nearly as tall as his illustrious counterpart, Abraham Lincoln, being 6 feet 2 inches. Of all the memories and mottoes of tongue and actions, his parabolical sayings, and wise far seeing attainments, embodied and perpetuated in the thousand of ways in this, his country, nothing can recall so forcibly to our mind as the heirlooms and surroundings in his old headquarters at Newburgh, New York. History and observation is there in common reality blended into a most profoundly interesting study. A man of no special brilliancy, but of sterling honesty in nature's noblest and humblest greatness. He died by catching a severe cold at his farm in Mount Vernon, Dec. 14, 1799.

JOHN ADAMS.

Second President, 1797 to 1801.

Born October 19, 1735, in that part of the town of Braintree, Mass., which is now Quincy, and died there, July 4, 1826.

He was the son of a farmer, and the great-grandson of Henry Adams, who emigrated from England about 1640. He graduated at Harvard College in 1755, was admitted to the bar, and acquired an extensive practice. He was prominent in the discussions of the "Stamp Act" and other public questions. A series of articles which he contributed to the "Boston Gazette" were published as an "Essay on the Canon and Feudal Law." In 1770, having removed to Boston, he was chosen a representative to the general court, where he became a leader of the patriotic party. From 1774 to 1777 he was one of the most prominent members of the Continental Congress, and for eighteen months was president of the board of war and ordnance established in 1776. After the close of the Congress in 1774, he was chosen by the town of Braintree to the Provincial Congress then in session. He was appointed commissioner to France in 1777, and went to Paris in 1778, but soon returned and took a leading part in the formation of a State constitution for Massachusetts. In 1779, as minister to treat with Great Britain concerning peace and commerce, he sailed for France, but was prevented by Vergennes, the French minister of foreign affairs, from making to Great Britain any communications of his powers. Two years later Vergennes obtained from Congress the recall of Mr. Adams's power to negotiate a treaty of commerce, and the conjunction of several colleagues with him to treat for peace. In 1780 Mr. Adams went to Holland, was authorized to negotiate a Dutch loan, and was soon afterwards appointed minister to that country. In 1782 he returned to Paris, and with Franklin, Jay and Laurens, negotiated a preliminary treaty of peace with Great Britain. He was soon after appointed a commissioner, jointly with Franklin and Jay, to negotiate a treaty of commerce with Great Britain, and subsequently with Franklin and Jefferson to form treaties with other foreign powers. From May, 1785, to the spring of 1788, he was minister to England, during which time he published his "Defence of the American Constitution." He was chosen Vice-President of the United States in 1789, and re-elected in 1792. As president of the Senate he supported the administration of Washington by numerous casting votes. In 1796 he was elected President by the Federalists by three electoral votes over Jefferson. He was again the Federal candidate in 1800, but was defeated by Jefferson. Upon the expiration of his term he retired from public life.—See "Life and Works of John Adams," by Charles Francis Adams.

THOMAS JEFFERSON.

Third President, 1801 to 1809.

He was born at Albermarle, Virginia, April 2, 1743; was a lawyer by profession. He published the germ of the Declaration of Independence in 1775, entitled: "A Summary View of the Rights of British America." He was a member of the Continental Congress, and was chairman of the committee that drew up the Declaration

of Independence, and it was he who drafted it. Jefferson introduced the bills known as the repeal of entails, abolition of primogeniture, and establishment of religious freedom. He was elected governor of Virginia in 1779, and Vice-President in 1796. In 1800 he was the Republican candidate for President, along with Burr. (At this period the constitution did not provide that the nominations for president and vice-president to be separate, but it was left to the electoral college to choose; since then, Article 12, Sec. 1, amends the constitution, requiring separate nominations by the people.) The vote in the electoral college resulted in a tie, and it was left to the House of Representatives to elect the President and Vice-President, which, after weeks of struggles, Jefferson was declared elected on the 36th ballot. In 1804 he was re-elected President, along with Clinton as Vice-President. At the expiration of his second term he abandoned political life, and devoted the remainder of his days to the advancement of education. He founded the University of Virginia, and upon his grave-stone is inscribed as follows: "The father of the University of Virginia." Of the first three presidents, Jefferson had perhaps the most whole-souled personality. Washington's dignity was an admiration in his character, but its commonness was too remote to gather into genial acquaintance. Washington has been authoritatively attributed with saying: "It is my supreme desire to live and die an honest farmer." Jefferson had said of John Adams: "He is as disinterested as the Being who made him." While we know that all men are mortal, we must not in our extravagant praise of good, useful men, be led to believe that any man will bear this encomium, while such men as Washington, Adams and Jefferson were patterned in all that was exalted, noble and good for mankind, and their country especially. Jefferson died a few hours before John Adams, at Monticello, July 4, 1826.

JAMES MADISON.

Fourth President, 1809 to 1817.

Madison was born at King George, Virginia, March 16, 1751. He was of the old Virginia planter stock; physically vigorous; morally intellectual, and naturally refined, gracious and hospitable. Unlike many of his successors and indeed his predecessors, surrounded by excellent early advantages in education, which combined with an ever ambitious taste for literary pursuits, made him one of the most prolific writers among the presidents. He was a graduate of Princeton College with high honors in 1771. After graduating, he commenced the study of law. In 1776 he was elected a member of the Virginia convention, and procured the passage of the substance of an amendment to the declaration of rights by George Mason, which struck out the old term toleration, and inserted a broader exposition of religious rights. In the same year he was a member of the general assembly, but lost his election in 1777, because he refused to provide election funds for buying whiskey. In 1780 he was elected to the Continental Congress, he

not being thirty years of age at this time. In 1784 he withdrew from the National Legislature to devote his influences towards the legislature of his native state; after uphill fights he had many of the medieval laws of unjustness and hardness repealed, and substituted therefor liberal ones apace with civilization. About this time his great paper "Memorial and Remonstrance" appeared, which opposed the taxing of the people for religious purposes, or in other words, it divorced the laws of State and Church. In 1801 he was appointed Secretary of State in Jefferson's cabinet and acted in that department until the close of Jefferson's administration in 1809. In 1808 he was nominated and elected president by receiving 122 of the 175 electoral votes. In the difficulty with Great Britain, he advocated a pacific policy, but reluctantly acquiesced in declaring war. On March 4, 1813, he entered upon a second term. In 1816 he signed the bill for the incorporation of a national bank, although he had previously vetoed a similar one. After the termination of his term, he retired into Virginia, and acted as visitor and rector of the University of Virginia, and in 1829, sat in the state convention to revise the old constitution. He died at his home in Montpelier, near Orange Court House, Virginia, June 28, 1836. Congress purchased from his widow his manuscripts for \$30,000.

JAMES MONROE.

Fifth President, 1817 to 1825.

James Monroe came from the same play grounds at the mouth of Monroe's creek, where it empties into the Potomac, as George Washington. On the banks of this historical river he was born, April 28, 1758. His parents were of the cavalier stock that served under Robert Bruce of Scotland. He was educated at William College, which he left in 1776 to enter the army as a cadet. As aide-de-camp to Lord Sterling, with the rank of major, he served in the campaigns of 1777 and 1778, distinguished himself in the battles of Brandywine, Germantown and Monmouth. He afterwards studied law in Thomas Jefferson's office. In 1782 he was elected to the assembly of Virginia, and was appointed a member of the executive council. In 1783 he was chosen a delegate to Congress for three years. He advocated an extension of the powers of Congress, and in 1785 moved to invest that body with authority to regulate trade between States. This led to the Convention at Annapolis, and the subsequent adoption of the federal constitution. In 1787, he was re-elected to the General Assembly, and in 1788, was chosen a delegate to the Virginia Convention to decide upon the adoption of the federal constitution, which he opposed. In 1790 he was chosen to the United State Senate, where he became a prominent representative of the anti-federal party. In 1794 he went as minister to France, but was recalled in 1796, under an informal censure. In 1798 he published a "View of the conduct of the Executive in the Foreign Affairs of the United States." He was Governor of

Virginia, 1799 to 1802, was then appointed envoy extraordinary to the French government, and negotiated, in conjunction with the resident minister, Mr. Livingston, the purchase of Louisiana. In the same year he was commissioned Minister Plenipotentiary to England, and endeavored to conclude a convention for the protection of neutral rights and against the impressment of seamen. In the midst of these negotiations he was directed to proceed to Madrid to adjust the controversy in relation to the boundaries of the new purchase of Louisiana. In this he failed, and in 1806 he was recalled to England to act with Mr. Pinkney in further negotiations for the protection of neutral rights. A treaty was concluded, but was not accepted by the United States. In 1808 a considerable body of the republican party brought forward Monroe as a candidate for President; but he withdrew from the canvass. In 1810 he was again elected to the general assembly of Virginia, and in 1811, governor. In the same year he was appointed by President Madison, Secretary of State, and after the capture of Washington in 1814, he became also Secretary of War. In 1817 he became President by an electoral vote of 183 out of 217, as the candidate of the party generally known as democratic republicans; and in 1820 he was re-elected almost unanimously, receiving 231 votes out of 232 electoral votes. In his message of December 3, 1823, he promulgated the policy of "neither entangling ourselves in the broils of Europe, nor suffering the powers of the old world to interfere with the affairs of the new," now generally known as the "Monroe doctrine." On March 4, 1825, he retired from office and returned to his residence of Oak Hill, in Loudon Co., Va. He was chosen a Justice of the Peace, and as such sat in the County Court. In 1829, he became a member of the Virginia Convention to revise the old constitution, and was chosen to preside over the deliberations of that body; but was compelled by ill-health to resign his post in the convention. About this time he was afflicted with the death of his beloved wife, and to add to his bereavement more pain and bitterness, he through financial troubles, was obliged to part with Oak Lodge, his old home. Lafayette, learning of his old friend's pecuniary trials, generously offered him assistance, but the manly spirit of the old Virginian could not accept it. He removed to New York to his daughter's home, where he died, July 4, 1831, just five years from the day that John Adams and Thomas Jefferson died.

JOHN QUINCY ADAMS.

Sixth President 1825 to 1829.

The eldest son of President John Adams, born July 11, 1767, at Quincy, Mass. He spent much of his boyhood days abroad, traveling and going to school, in France, Holland and England where he acquired a good classical education. He was a lawyer by profession; he at one time held a Professorship in Harvard College. He was appointed United States minister to the Netherlands during

Washington's presidency, and during his father's term he was sent as minister to Germany. In 1803 he was elected United States Senator, as a Federalist, but owing to his inability to harmonize with Jefferson's embargo, he resigned in 1808. In 1809 he was appointed minister to Russia. In 1815 was sent as minister to England, but was subsequently recalled in 1818, on the election of Monroe as president, and received the portfolio of Secretary of State in that administration. In 1824 he was the nominee of the Coalitionist party for president along with Jackson, Crawford and Clay. The election went to the house of representatives (as the electoral college gave no one of the four a majority,) where Adams, through the influence of Clay, received the votes of 13 states, and was elected, and John C. Calhoun being elected vice-president. On the expiration of his term, in 1829, Mr. Adams retired to his home in Quincy, Mass. He was soon after elected to congress, where he took his seat in 1831, and continued in office for 17 years, distinguishing himself especially by his advocacy of "the right of petition" in connection with the slavery agitation. A remarkable fact of this scholarly statesman was, that when a mere lad, he commenced to keep a diary, which forms a vivid portraiture of the man and his times; its numerous significant entries that he was watching the world and the world's ways and fashioning himself to the best possible sphere in its realm; near the close of his life this remarkable, yet pitiful entry, was made: "Physical disability must soon put a stop to this diary." The last words in his diary were written to his son, Charles Adams, January 1, 1848, and the ring of the good man is as clear as all his past career: "A stout heart, a clear conscience, and never despair." On the 21st of February, 1848 he was attacked with paralysis, in the house of representatives, was taken to the speaker's chamber, and died two days afterwards.

ANDREW JACKSON.

Seventh President, 1829 to 1837.

Andrew Jackson was born in Waxhaw, North Carolina, March 15, 1767. His parents emigrated from Ireland in 1765. At an early age he took arms against the British, and was captured in 1781 and imprisoned at Camden. He studied law and graduated before he was 20 years of age, and in 1788 was appointed solicitor or public prosecutor of the western district of N. C., embracing what is now the State of Tennessee; and when the same was formed into a territory, he was elected district attorney. He was one of the delegates to the convention at Knoxville in January 11th, 1796, to draft the constitution for the State of Tennessee; and in that same year was chosen to represent the new state in U. S. Congress. He belonged to the republican (afterwards the democratic party), then forming under the leadership of Thomas Jefferson. He entered the U. S. Senate in 1797, resigned the next year, and was appointed a justice of the Supreme Court of Tennessee. He resigned his judicial office in 1804, and engaged in agriculture. In 1806 he killed

Charles Dickinson in a duel, and was himself severely wounded. Jackson, in 1805 and 1806 joined with Aaron Burr in an alleged preparation of war against Spain; he soon discovered lack of honest zeal in Burr's patriotism, and immediately reversed his footsteps, and sought to make amends and allay his union with Burr as best he could. He defeated the officers of the law in their attempt to have him testify at Burr's trial in Richmond, by wiley pretense, of extreme partisan declarations. In 1813 Jackson headed the Tennessee militia force to New Orleans, which, before reaching, they were ordered to disband; it was in this march that he was named "Old Hickory." He commanded several military corps in the Indian disturbances of the current year, and 1815. He was also sent in command of the troops that were sent to defend the attack of the English in the southwest. Jackson's brilliant success is too lengthy to even give a mere abstract throughout in this Louisiana campaign. In 1816 he was again called into service against the uprising of the Seminoles, and it was here that Jackson captured Arbuthnot a Scotchman, for conspiring to excite war against the peace of the U. S., and had him court-martialled and executed; this proceeding created a sensation, and caused irritation in England. Monroe's cabinet was divided on the subject, and vehement debates arose, and Jackson's conduct was thought to be uncalled for, especially at that time when the relations with England were gradually becoming more neighborly and agreeable. In 1824 he was a candidate for president, and received 99 electoral votes from the democratic party, but as the house elected John Quincy Adams, he was defeated, not by the people, but by the representatives. The result of Adam's election was that a constant political campaign was kept up during the whole of Mr. Adam's term and resulted in Jackson's election to the presidency in 1829. The contest was one of the most unmeritorious and unfair that ever existed since the Independence of the U. S. Adams was a man of high attainments, of honest, zealous and patriotic purposes, while Jackson, for all his valiant and soldiery actions were valuable, his other public and private conduct was far from being as unstained as his adversary, Quincy Adams. He fought out the sweeping out of office all the appointees of his predecessor, and forced upon the country a most vigorous and antagonistic partisan policy; he carried into effect the "bank war." Webster, Calhoun and Clay proposed a vote in the senate condemning his course, and it was carried by 26 to 20, but the house of representatives sustained the president's action, and afterwards, and near the close of his term, in 1837, the senate withdrew their vote of censure. And like his illustrious predecessors, Jackson left the White House to spend the sunset of his life at the "Hermitage," a splendid and productive estate near Nashville, Tennessee, which he cultivated by having 150 slaves. A complete reformation seemed to ripen with his silken locks, both spiritually, and otherwise; it puzzled many to see the dignified and court-like bearing the boy that was born in Waxhaw wilds acquired; he was asked one day what had so changed

him in his customs and life; his reply was "I asked myself how shall a man be at peace with his maker? and, my life now is your answer." He had joined the little old church at the Hermitage, in which his wife had worshipped, and which he had at one time built for her sake. After a struggle, this man whose nickname indicated what he was supposed to be, declared he forgave all his enemies; but never expressed a regret for the acts that count now as well as then the most against his history—the specter of innocent Arbuthnot and the boyhood folly of young Wood. Jackson asked his divine pastor Dr. Edgar, one day, "Doctor, what will posterity blame me most for?" The Doctor's answer was, Mr. Jackson I think they will blame you for proscribing people for opinion's sake." He died June the 8th, 1845. As men disputed fiercely over his acts and aims while he was "Old Hickory," men adored him even then while others hated with oceans of hate; so it is now over his memory, an irreconcilable history. But to be just, we must say he was mortal, and possibly upon the whole, unfortunate. In a his field warfare his powerful foes, were but a straw to Webster, Calhoun and Clay. They were historical Men-of-War.

MARTIN VAN BUREN.

Eighth President, 1837 to 1841.

Martin Van Buren was born at Kinderhook, New York, Dec. 5, 1782. He received at Kinderhook the best available common school education, and at the age of 14 entered upon the study of law; he graduated in 1802, and during the next year opened an office in his native town. His early political gleanings were all Jeffersonian, as he was the idol of the Democratic party. After six years of law practice in Kinderhook, he removed to the town of Hudson. In this shire town of his county, he developed into a larger professional field, and matched for seven years the gems of the profession, and won a wide legal reputation. In 1815 he was elected Attorney-General of New York, and from that time for 20 years he was the recognized leader of the Democratic party in the "Empire" State. In 1821 he was elected United States Senator. In 1829 he was appointed Secretary of State in Jackson's administration. In 1831 he was appointed minister to England, but the Senate refused to ratify his nomination. In 1832 he was elected Vice-President, along with Jackson as President. In 1837 he was elected President, and during that year the whole country shook under a financial crisis, by the banks universally suspending specie payments. The President called an extraordinary session of Congress, and in his message advocated the adoption of the "Independent Treasury System," which was rejected, but subsequently unanimously adopted by Congress. In 1840 he was again the Democratic nominee for President; he was defeated by Gen. Harrison. He smiled in his defeat with as good grace as when victory perched upon his banner, and upon the deplorable death of

the president, a month later, bore evidence of his high appreciation of the country's loss by taking a very conspicuous part in the funeral obsequies of the dead president. In 1844 he accepted the nomination for president, but his alliance with the Jackson administration caused his defeat. In 1848 he was the nominee of the Free Democracy, and once more defeated. He was an active politician for nearly 40 years. He was foreign to all his predecessors, and in fact many regard his place as never since filled, as a shrewd and sagacious party leader. The present Governor Hill, of New York, comes as near his counterpart as any man. Yet Mr. Hill lacks in the tact that Van Buren displayed in reaching his arms around the nation's democracy and gathering them into the fold; while he accomplishes pretty near the national democracy, by managing New York, he fails in the outposts. He died at his beautiful home in Kinderhook, in N. Y., at the ripe age of eighty, July 24, 1862.

WILLIAM HENRY HARRISON,

Ninth President, March 4, 1841, to April 4th, 1841.

General William H. Harrison was born a subject of King George III, at Berkly, Virginia, Feb. 9, 1773. He was brought up amid the best moral associations; was sent to the best schools of the time and place, and later entered Hampden, Sidney College, from which he graduated with honor. At the early age of 19 he enlisted under General Wayne. In 1795 he was promoted from a private to a captaincy, and deputed to a station at Fort Washington (the present site of Cincinnati, Ohio). In 1801, he was appointed governor of the Territory of Indiana (comprising what now constitutes the great states of Indiana, Illinois, Michigan and Wisconsin). He was sent in command of a regiment to Fort Tippecanoe, in 1811, to fight the warwhoop redskins, who were both madly wild and savagely treacherous; but he soon quelled these "burning, scalping, stealing, plundering desperadoes, with the assistance of his admirable volunteers; and from this the nick-name, 'Tippecanoe Harrison.'" He was elected senator of Ohio in 1824. In 1828, under the appointment of Quincy Adams, he was sent to Columbia as minister, and upon Jackson's election, in 1829, was recalled. In 1836 he opposed Mr. Van Buren for President, but was defeated. In 1840 he again contested the presidency as the republican candidate, and if the American continent had been sinking into the bowels of the earth, tumult, vehemence, passion, song, parades and emblems could not be brought more into appeals of distress, than this new blooded republican party had adopted to secure the election, to defeat the party that for twelve years controlled the mastery of the White House. It was achieved, yes, "Tippecanoe and Tyler too." But, alas!! with what unforeseen events? That man proposes but a Supreme Power disposes. His hand had barely grasped the helm, when it was weakened by pneumonia, and one month later relaxed by death, April 4, 1841. What can be learned of the man,

bears abundant evidence that his administration would have been the accomplishment of more patriotism and less partisanship than at the time marked the policy of the former government.

JOHN TYLER.

Tenth President, 1841 to 1845.

Born in Virginia in 1790. Was a lawyer by profession. Elected United States Senator 1827. He was a free trader. 1836 he was the Whig candidate for Vice-president, but was defeated. In 1840 he was elected Vice-president, and on the death of Gen. Harrison he became President. He, to the astonishment of the Republicans, confirmed Gen. Harrison's cabinet, and reconciled his Whig friends by an inaugural address. He experienced much opposition by his veto of the "Fiscal Bank of the United States" bill, and also an amendment of it. The cabinet resigned, excepting the Secretary of State; he filled the vacancies, but thereby caused differences with the Secretary of State, and he resigned. Calhoun was appointed to the vacancy. Among the few successful acts of his administration was the ratification, three days before the close of his term, of the annexation of Texas. He had a very fitful experience, and it apparently subdued his desires for politics until about the evening of his life, when he joined issue with the Confederate Congress, and at the time of his death, Jan. 17, 1862, he was a member of their Congress.

JAMES KNOX POLK.

Eleventh President, 1845 to 1849.

Born in North Carolina, Nov. 2, 1795. A lawyer by profession. He was elected to Congress in 1825; chosen speaker in the House of Congress 1835; elected Governor of Tennessee in 1840. In 1844 he was nominated as Democratic candidate for President, and elected by 170 electoral votes. During his administration the chief events were:—the Mexican war; adjustment of the boundary of Oregon from latitude 54 to 49. The adoption of the low tariff of 1845; amendments to the "Independent Treasury System" passed by his Democratic predecessor, Van Buren, by which the revenues were collected in specie without the banks; the creation of the Cabinet Department of the Interior; and the admission of Wisconsin into the Union. He died June 15, 1849, in his 55th year.

ZACHARY TAYLOR.

Twelfth President, March 4th, 1849, to July 9th, 1850.

Born in Virginia, 1784. He entered the army at an early age and attained for his proficiency a Captaincy in 1810, and two years

later was stationed at Fort Harrison to defeat an uprising of the Indians which was very successfully accomplished, and he received the honor of being promoted to the rank of Brevet Major. (The first that ever was granted to a soldier in the United States service.) After many minor services in military engagements, he was appointed Commander-in-Chief, in Florida. In 1845 he was created General, and put in command of 4,000 men to defend the Texan boundary against the invasion of Arista with 6,000 troops. He after considerable fighting, drove back the Mexicans. He again in the same year with 6,000 men encountered Monterey with 10,000 men and successfully made them retreat. In 1848 he was the Whig candidate for President, and Millard Fillmore for Vice-president; Cass and Butler were their opponents; Taylor and Fillmore were elected by 163 to 127 votes. In his message to Congress he advocated the admission of California, and other measures respecting slavery that were discordant to his Southern adherents. He died in the White House at Washington after five days sickness with bilious fever, and 16 months in the presidency, on July 9, 1850, in the 77th year of his age.

MILLARD FILLMORE.

Thirteenth President, July 9, 1850, to March 3, 1853.

Born in Cayuga, N. Y., January 7, 1800. First a weaver, then school teacher and lastly a lawyer. He removed to Buffalo and practised law until 1828; he was elected to the State Legislature as the candidate of the Anti-Masonic party. He was elected for two terms to Congress, and was the chief framer of the "Protective Tariff" of 1842. He was an abolitionist. In 1844 he unsuccessfully contested the Vice-presidency. In 1848 he was chosen Vice-president, and on the death of President Taylor, July, 1850, he succeeded to the Presidency. He signed the Fugitive Slave Bill and lost the support of his Northern friends. In 1856 he was the candidate of the American party, but was defeated by Buchanan. He received a popular vote of 874, 534, but only one electoral vote. He died at Buffalo, N. Y., March 8, 1874, in his 75th year.

FRANKLIN PIERCE.

Fourteenth President, 1853 to 1857.

Franklin Pierce was born in Hillsboro, New Hampshire, Nov. 23, 1804. The atmosphere surrounding young Pierce was that broad, generous and patriotic ideal of Thomas Jefferson. The home was amid the fields of a New England farmstead. The lad's life emerged from such a home, no luxury, no poverty, but that contentful medium of a farm homestead, that has produced many of the truly great men. At 16, he entered the Bowdoin College; his collegiate career was said to be that of a good student more than a very brilliant

scholar. In 1824 he graduated, and while making initiative steps to study law, the flame of a soldier's life absorbed his attention, and he espoused the soldier's garb; but in after years he again took up the law profession and graduated. He many times told how he lost his first case in court, with a seeming humor that showed how his retrospections amused him. In 1831 he was elected to the State Legislature. In 1837 he was elected to the State Senate. In 1833 elected to U. S. Congress—the youngest member of the U. S. Congress since or before. Young Pierce was a polished and fluent speaker, and soon won the interest of the chamber. In 1837 he took command of the regiments that went to quell the Mexican invaders, and after varied, striking and brilliant engagements at Contreras and Cherubusco, here turned to the Capitol and was afterwards appointed attorney-general in President Polk's cabinet. Shortly afterward he was created brigadier-general, and sailed with the troops from Newport, Rhode Island, again to Mexico; this was May 27, 1847. In 1850 he presided over the constitutional convention of New Hampshire. In 1852 he was the Democratic nominee for President of the United States, and was elected over Gen. Winfield Scott by 254 electoral votes to 43 for Scott. The important events of his administration were, the dispute over the Mexican boundary, resulting by settlement in the acquisition of Arizona; an amicable settlement of a dispute with Great Britain over the fisheries; the repeal of the Missouri compromise, and the organization of the territories of Kansas and Nebraska; the reciprocity treaty with Canada; the treaty with Japan. On January 24, 1856, President Pierce sent a message to Congress in which he characterized the free state government in Kansas as an act of rebellion, and justified the principles of the Kansas-Nebraska Act. In Nat. Hawthorn's sketch of his life and public acts, he is termed "a Northern man with Southern principles;" doubtlessly he was a pro-slavery believer, but so was William E. Gladstone. A good man must be a good reformer. We think Mr. Pierce was at heart and head this. He died October 8, 1869, at Concord, New Hampshire.

JAMES BUCHANNAN.

Fifteenth President, 1857 to 1861.

James Buchanan first saw the light in that grand old commonwealth of William Penn's, Pennsylvania, at a place known by its homely name, called Stony Batter, April 23, 1791. Buchanan's surroundings were rustic as the hills of the old Alleghanies that overshadowed his native village, with the grand exception of a very superior father and mother. His parents, to the apparent disgust of the ignorant associations, kept the boy at school, and at the age of 14 years entered him at Dickinson College. His studies were marked by uncommon application, and he graduated at the head of the list four years afterwards. At 18 he commenced the study of law, and at 21 was admitted to the bar. This was the year 1812,

and at that time politics and soldiers seemed to compose the highest attainments of knowledge, and young Buchanan, with a strong ambition and a vigorous will, was inflamed, and he enlisted as a soldier; but subsequently returned to the practice of his profession. He was then returned to the State Legislature. In 1821 he was elected to Congress, a seat he retained for ten years. A quotation from his early speeches runs as follows: "If I know myself I am a politician neither of the East nor of the West, of the North nor of the South. I therefore shall avoid any expressions, the direct tendency of which must be to create sectional jealousies, and at length disunion, that worst and last of all political calamities." In 1831 he was appointed minister to Russia, and was instrumental in negotiating the first treaty between that country and the United States. In 1833 he returned to the United States Senate, and was elected chairman of foreign affairs. In 1845 he was appointed Secretary of State in President Polk's Cabinet. In the Senate he always maintained that Congress had no right or power under the United States Constitution to legislate on slavery. At the close of President Polk's administration, he retired from politics to the practice of his profession. In 1853 he again was appointed minister to England. In 1856 he was nominated by the Democrats as their candidate for President, and at last, the verdant lad of "Stony Batter" received, after a life of various ups and downs, the nation's highest gift, by being elected president, over Fremont and Fillmore. It was early to be seen, with all his Southern affiliations, that Mr. Buchanan did not lend any countenance towards the destruction of the Union. The chess upon the nation's board were badly mixed, and it was despaired that he would lose the game, but critics are many times good watchers but bad thinkers. His cabinet became unmanageable; the President, as at all times previous, maintained that the Federal government had no authority to coerce the seceding states; he maintained for the peace of the country to reconcile these rebellious states by money payments and other grants, or to let them peaceably go. Harper's Ferry troubles, the Kansas-Mormon uprisings, and the refusal of South Carolina to obey the Federal authority, all came in upon him, and although he dispatched troops to quell the resurrectionists in South Carolina, he refused to order their withdrawal or to reinforce them. He closed his administration at last in calamity, and gloom waving its ominous clouds over the otherwise awakening land of prosperity. His pusillanimous course can well be excused if the cost of the fatal war could have been averted, and that was his sincere motive, by the payment of the money without the devastation of life and the agony of life-long grief sustained along with it: that such was his motive we are as just to think, if not more than to disbelieve. He died at Wheatland, June 1, 1868, leaving no widow or children, as he never was married.

ABRAHAM LINCOLN.

Sixteenth President, 1861 to April 14, 1865.

Born at Laurie, Kentucky, February 12, 1809, of Virginian descent; in 1816 the family moved to Indiana and settled on a farm. Abraham worked "farmer-boy-like" at all sorts of labor, and it might be said to the entire neglect of his education. He grew up with great muscular strength, and was noted as a skillful wrestler; he was six feet four inches in height. In 1830 the family again moved to Decatur, Illinois; about this time Lincoln went down South on a river boat to New Orleans, and witnessed for the first time the treatment of slaves. On his return to Illinois in 1832, he formed a volunteer company, known as the "Independent Spy Company;" he was chosen its captain. He was a candidate for the State Legislature soon after, but met defeat. His next venture was in embarking in the mercantile business in co-partnership; his partner proved to be a very bad one in many respects, and their trade was that of a country store, consequently failed, and was forced into bankruptcy. This business adversity at that particular time taxed his ability more than the responsibility of the Presidency of the United States, with its most stormy political and belligerent cares, apparently did afterwards. He then entered upon the study of surveying, but renewed misfortunes still followed him, and his surveying instruments were seized and sold for his old store debts. Penniless he turned his attention to law, and like the June grass absorbing the dew, he soon made progress in the profession, and graduated within three years; he commenced his practice in Springfield in the spring of 1837, and soon gained a very lucrative patronage which enabled him to redeem every obligation he owed with interest in full. In 1840 he was a candidate for the State Legislature, and was elected; it was in this campaign that he foreshadowed the Lincoln of 1861. In 1846 he was returned to Congress, and soon made very severe opposition to President Polk. He voted for anti-slavery petitions, for inquiries into the constitutionality of the slave traffic, and zealously appealed to Congress and the people in behalf of the "poor slave," and its absolute abolition; he advocated a remuneration to slave-owners in lieu therefor. His following was neither large nor enthusiastic, which crushed his ambition and philanthropy so sorely that it caused him to abandon public life for a time, by not seeking re-election to Congress. In 1858 he was again induced to rekindle his efforts to abolish slavery by becoming a candidate for the senatorship, and was pitted against his formidable adversary, Douglass. During this campaign he made the speech known as the "House-divided-against-itself-speech," so called from the words of Lincoln, as follows: "This house cannot remain half slave and half free; I do not expect the Union to be dissolved, but I do expect it will cease to be divided." Douglass with his sarcasm and unmanly attacks against him for his early poverty and occupations, was very trying to Lincoln, but his natural well-balanced sense and tact cast them

off by good-humored retorts; the election was, however, lost by Lincoln; it was a conquest for Douglass won by stratagems of questionable honor, apart from the popular vote. In 1860 the Republican national convention met at Chicago; among the marked clauses of their platform adopted, was the following: "We deny the authority of Congress or of a territorial legislative body or any individuals to give legal existence to slavery, in any territory of the United States." William H. Seward and Abraham Lincoln were nominated for the presidency, and upon the third ballot, Lincoln was declared elected. Breckenridge was the presidential nominee of the Democrats, and Bell and Douglass also entered the contest under other party flags. The election resulted in the following electoral vote: Lincoln, 180; Breckenridge, 72; Bell, 39; and Douglass, 12. Before his inauguration seven States formally seceded from the Union, and there was danger that seven others would soon follow, and four which did. He was inaugurated March 4, and delivered a powerful address, in which he said: "I hold that in contemplation of universal law and of the constitution the union of these States is perpetual * * * the power confided to me will be used to hold, occupy, and possess the property and places belonging to the government, and to collect the duties and imposts; but beyond what may be necessary for these objects, there will be no invasion. * * * In your hands my dissatisfied fellow countrymen, and not in mine, is the momentous issue of civil war." During the preceding administration large quantities of arms and ammunition had been removed from the national arsenals in the North to those in the South; the army, only 16,000 strong, had been sent to remote parts of the country; the navy had been scattered to distant seas; the treasury was empty. On March 13, Forsyth and Crawford, as "commissioners from a government composed of seven States which had withdrawn from the Union," signified their desire to enter upon negotiations for the adjustment of questions growing out of the separation; but the Secretary of State, Mr. Seward, by direction of the president, declined to receive them, as "it could not be admitted that the States referred to had, in law or fact, withdrawn from the federal Union, or that they could do so in any other manner than with the consent and concert of the people of the United States, to be given through a national convention." The delivery of this communication was withheld, by consent of the commissioners, until April 8, when it was speedily followed by the bombardment of Fort Sumter, which precipitated the civil war. On April 15, President Lincoln called out the militia of the several States, to the number of 75,000; on the 19th he proclaimed a blockade of the ports in all the seceded States; on May 3, he called out 42,000, three-years volunteers. An extra session of Congress was called to meet July 4. On account of the secession of the Southern States the Republicans had a large majority in each house. Congress promptly passed bills authorizing the President to accept 500,000 volunteers, and the placing of a loan at the disposal of the government of \$500,000,000.

The President had suspended the writ of *habeas corpus* on May 3, in an order addressed to the commander of the forces on the Florida coast. On the 27th of the same month, Gen. Caldwell, being authorized by the President refused to obey a writ issued by Chief Justice Taney for the release of a Maryland secessionist imprisoned in Fort M'Henry. The chief justice then read an opinion that the President could not suspend the writ, and most of the journals opposed the administration violently; whereupon some of them were refused admission to the mails, and at the same time restrictions were placed on the telegraph for the use of the press. To prevent the border States from joining the confederacy was the most difficult portion of the President's task, and in pursuance of this object he steadily refused appeals for a general emancipation. On Aug. 22, 1862, in reply to an open letter addressed to him by Horace Greeley, Mr. Lincoln wrote: "My paramount object is to save the Union, and not either to save or destroy slavery. If I could save the Union without freeing any slave, I would do it; and if I could do it by freeing all the slaves, I would do it; and if I could do it by freeing some and leaving others alone, I would also do that." However, it was not a month from the writing this letter to Greeley, his hand signed a declaration to come into effect January 1, 1863, that the slaves in all the states or parts of states which should then be in rebellion, would be proclaimed free. The battle of Gettysburg, July 1-3, 1863, was the straw or the cannon that dismayed the Confederate troops, and gradually they became demoralized and disheartened. Concurrently with the civil war, Mexico was causing trouble—the French government requesting the United States to recognize Maximilian in Mexico. The national convention at its assembly, July 8, 1864, renominated Mr. Lincoln as the Republican candidate, and Andrew Johnson for Vice-president. The platform approved "the determination of the government of the United States not to compromise with rebels, nor to offer any terms of peace except such as may be based upon an unconditional surrender," and recommended the complete abolition of slavery throughout the United States by constitutional amendment. The Democratic convention, held August 29, nominated Gen. McClellan for President. That party adopted the following plank in their platform: "That this convention does explicitly declare, as the sense of the American people, that, after four years' of failure to restore the Union by the experiment of war, during which, under the pretence of a military necessity, of a war power higher than the constitution, the constitution itself has been disregarded in every part, and public liberty and private rights alike trodden down, and the material prosperity of the country essentially impaired, justice, humanity, liberty, and the public welfare demand that immediate efforts be made for a cessation of hostilities, with a view to an ultimate convention of all the States, or other peaceable means to the end that at the earliest practicable moment, peace may be restored on the basis of the federal union of the States." The issue thus squarely presented was maintained

throughout the canvass, and the election was looked for a popular verdict whether the war would be continued or not. The contest resulted in Lincoln obtaining by the popular vote, 2,213,665 votes and Gen. McClellan 1,802,237. On February 3, President Lincoln and Secretary Seward held a conference with Alexander H. Stephens, R. M. Hunter and J. A. Campbell, on a gunboat in Hampton Roads, but no result was reached. Mr. Lincoln, in his second-term inaugural address, closed with the now famous passage: "With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us finish the work we are in, to bind up the nation's wounds, to care for him who shall have borne the battle, and for his widow and his orphans, to do all that may achieve and cherish a just and lasting peace among ourselves and with all nations." On the day after the evacuation of Richmond, the President entered it, accompanied only by his son and Admiral Porter and a few sailors. The tall man, with a sad, kindly furrowed face, was seen moving on foot through the streets, leading his young son by the hand. Around him grateful colored people pressed, shouting and sobbing and hailing him as their liberator. All he could do was to take off his hat and reverently bow; he could not speak; the great soul filled his eyes with anguish and his tongue with silence. That hour was the triumph of the innerman that lived within him from his first trip to New Orleans. Did he count the cost of his lifelong hardships as too great a price to pay for the casting off of the chains from these poor slaves? No, the work was done and Abraham Lincoln was glorified. Less than two weeks afterward, on April 14, the tired President, at the solicitation of Mrs. Lincoln, attended Ford's theatre, to rest his mind from the strain it had undergone for over four years, accompanied by Mrs. Lincoln and a few friends. A few minutes past ten o'clock, an obscure actor, John Wilkes Booth, entered the box, having first barred the passage leading to it, approached Lincoln from behind, placed a pistol close to his head, and fired; he then leaped from the front of the box upon the stage, brandishing a dagger, shouted "*Sic semper tyrannis!*" The South avenged!" disappeared behind the scenes, passed out of the stage door, and escaped. The President was removed to a private house on the opposite side of the street, where he died in about ten hours afterwards. At the same hour the President was shot, Secretary Seward was attacked in his private house, and it became known that an elaborate plot had been formed for murdering simultaneously nearly all the chief officers of the government. For this plot eight persons were tried by a military commission, and four of them (including a woman), were executed and the remainder sentenced to hard labor for life; one died there, the remaining three were pardoned by the successor to Lincoln, President Johnson. Lincoln's remains were buried at Oak Ridge cemetery near Springfield, Ill., where an elaborate tomb surmounted by a statue of Lincoln, an obelisk, and four symbolical figures. A colossal bronze statue, erected by contributions of colored people,

was unveiled in Lincoln Park, Washington, in 1876. We cannot refrain adding to this sketch of a man's life, that we have loved with the whole of civilization, the plaudit:

"Lives of great men, all remind us
We can make our lives sublime,
And departing leave behind us
Foot-prints on the sands of time."

ANDREW JOHNSON,

Seventeenth President,—April 15th, 1865, to March 4th, 1869.

Andrew Johnson, the "twisty-willed president," was born at Raleigh, North Carolina, December 29, 1808. His early life was that which may be called shaded from fortune in almost every way. Poverty and orphanage in a degree, that can well be imagined when he was sixteen years of age, and did not know the letters of the English alphabet. He learned the tailors trade and at a very early age married a very attractive girl, whose education was in every respect superior to his own. With a true woman's devotion and pride she set about teaching him, while he worked at his trade in his own home in the evenings. By this means he acquired the rudiments of an education, which his mind gripped never to let go. Many times marriage works queer freaks, sometimes happiness and often the reverse; but in Johnson's case it was the foundation of all his greatness, the beginning and the end of his sweetness of life; in his unhappy public conflicts, that true woman at home was the only living balm of gilead, that could calm down with the weight of a hair the rolling billows of his stubborn will. At the age of 22 he was elected alderman of Greenville. His early speeches were fiery, pungent and convincing. He invested every word with that force of character that could only heat the words, to the power of which he possessed over men, in his own peculiar style. In 1835 he was elected to the State Legislature, and to U. S. Congress in 1843. He was elected governor of Tennessee in 1853. Elected to the U. S. Senate in 1857. He manifested strong sympathy with his Southern friends; but never relaxed his support of the Union. He was in favor of the policy of allowing each State to make their own laws, regulating the slave trade. In the presidential election of 1860 he supported Breckenridge against Lincoln; but in all his speeches he gave expression to strong union principles; thereby destroying the friendship of the South and building up a new friendship in the North. About this time his State (Tennessee) had seceded, and so violent were his old supporters over his Union speeches that on his return to Tennessee he found the terrible passions and frenzy of the people had been let loose. He was burned in effigy; his invalid wife and child driven out of their home as fugitives, his house sacked and burned. But the iron-minded man was not to be conquered in that way; he renewed his battle-cries, though every volley goaded these mad people into fresh indignation; but his courageous and

almost fearless character, dismayed these rebellious people into partial submission, whereupon President Lincoln appointed him military Governor of Tennessee; he, through his impetuous advocacy of Union, succeeded in securing the greater portion of the State into allegiance to the Union government. In 1864 he came out an uncompromising supporter of the Union and was nominated as Vice-President along with Lincoln at the National Convention held at Chicago. Six weeks after taking office the direful assassination of Lincoln ushered him into the chief office of the then despairing, grieving and frenzied nation. The air of the whole North seemed blackened in mourning. The day of his inauguration, was certainly the saddest day that ever dawned upon the United States. The South dreaded him with fear, as he talked of "punishing treason and hanging traitors." The North while believing him a good solid mate to Lincoln, feared that without Lincoln's moderate forgiving counsel he would deal out in vindictive, remorseless vengeance his rule over the South, which was not in accord with their plan of closing the painful war. Early in his administration he offered a reward for Jefferson Davis of \$100,000; but his every move after that seemed to be giving away the game to his old friends in the South. This put his cabinet into confusion, and feuds and deception soon enveloped the whole administration. He proclaimed a partial amnesty to all secessionists, that would renew their oath to the U. S. He vetoed the "Civil Rights Bill" which was an Act to extend the freemen's bureau; but Congress passed it over his veto. Congress passed an Act forming the seceded States into five districts, to be known as military districts, which were to be under an executive military governor and subject to martial laws; this bill he vetoed with a most vehement condemnation, as an unconstitutional and cruel device. But the House passed it over his veto. The President advised with Attorney-General Stanford as to the legality of this Act, whose verdict was considered by the cabinet, and it was agreed to proclaim its nullification upon unconstitutional grounds; Secretary of war, Mr. Stanton, alone dissenting. In July afterwards, Congress passed an explanatory Act, setting out that the authority of the military Governors over these five districts was under the prerogative of the Commander-in-Chief and General of the U. S. Army. This was vetoed and passed over the veto. He then dismissed Secretary Stanton, and appointed General Grant *ad interim*. Mr. Stanton submitted under protest, denying the right of the President to remove him under the tenure-of-office Act then in force. On August 20, the President issued a proclamation declaring that peace, order, and civil authority existed once more throughout the United States. On Sept. 7th he declared an amnesty which relieved all the white inhabitants of the seceding States from liability to confiscation of their property, and restored to them the right of suffrage. When Congress assembled in December, they refused to sanction the removal of Secretary Stanton; whereupon General Grant immediately resigned his office into the hands of Secretary Stanton. On February 21st, Mr. Stanton was again notified by the

President of his removal, and the appointment of General Thomas as Secretary *ad interim*. The Senate passed a resolution declaring the President had no authority to remove the Secretary of war, and designate any other person to perform the duties of the office. Mr. Stanton thereupon refused to vacate the office. The House of Representatives passed a resolution that the President be impeached for high crimes and misdemeanors, which was carried by 126 yeas, 47 nays, and 17 not voting. The articles of impeachment were presented to the Senate on March 5th. The specifications were based on the President's removal of Secretary Stanton, his expressions in public speeches of contempt of Congress, and his hindrance of the execution of some of its Acts. The trial began on March 23rd, and in May the President was acquitted; 35 voting guilty and 19 not guilty—a two-thirds vote being required to convict. On July 4th, 1868, President Johnson issued a proclamation of pardon to all persons except those under indictment in the U. S. Courts; and on December 25th, a full pardon to everyone who had participated in the rebellion. In 1870, after his presidential term, he was a candidate in Tennessee for the U. S. Senate, and was defeated by two votes. In 1872 he was a candidate for Congressman at large, but was again defeated. In 1875 he was elected to the U. S. Senate. He died while on a visit to his daughter at Carters Station, July 31st, 1875. President Johnson was a very remarkable man in many things; while he built up with one hand, he seemed to destroy with the other. Critics have always charged his prodigal abuse of his office in a very indulgent manner. Burning him with the caustic of wrong doing only, along with his contrary and personal-sighted cabinet. Strange, indeed, that most writers believe he was at all times conscious of the opinion he was doing right, and seemed to have rested his otherwise distracted hopes upon this sort of supposition. True, his mighty voice had been in the most perilous places, lifted up to denounce the disunion of the nation; true, he had lost all his accumulations for years, in defence of the flag of the Union; true, he nearly lost his own life, and that of his family, in defending and maintaining all that could be most justly accepted as the cause of right. But a nature that could melt almost any people in eloquence of speech from the platform, but one that could not assimilate with or be controlled by co-equals in a government. He was the orator Statesman of Presidents; while, sad to think, the most significant failure of them all.

ULYSSES S. GRANT.

Eighteenth President, 1869 to 1877.

The subject of this sketch, Ulysses S. Grant, was born at Point Pleasant, Ohio, April 27, 1822. His father was of English descent, and pursued farming combined with tanning leather for a livelihood. He was in good circumstances, though not what Americans term rich, and contributed to the education of his family as good as was

within his means. At the age of seven, Ulysses used to drive a team in drawing "tan-bark" from the hemlock woods to the Old Tannery; at eleven he ploughed in the fields upon the farm, and was said to be an expert plough-boy in marking out a straight furrow, a characteristic that appears to have adhered to his actions all his life; in other respects, Ulysses was a contented, healthy, industrious, good-tempered home boy. While his early surroundings lacked the advantages of refinement and intelligence of the city, it lacked the vices that make the atmosphere unwholesome for any boy. At the age of seventeen he was sent to West Point Academy, and on entering his name, a mistake occurred which was never detected until he graduated and his certificates made out, when it was resolved to let his name stand—his name was Hiram Ulysses instead of Ulysses S. It may be said of Grant that his profession was that of a soldier. He was promoted from a private to a captain in 1853, and from a captain to a colonel in 1861; and the latter part of the same year brigadier general of the volunteer corps. He was in the engagement of Belmont, in 1861. In February, 1862, he started for Paducah with 15,000 men to capture Fort Henry with a fleet of gunboats, and after he accomplished the capture and forced them to surrender, he immediately attacked Fort Donelson, where he scored a brilliant victory. In April, 1863, he gained the historical victories of Raymond, Jackson, Champion's Hill, and Big Black Hill; besieged Vicksburg and forced Gen. Pemberton to surrender with about 27,000 prisoners. On July 4th, 1863, he was promoted to the rank of major general of the regular U. S. Army. He was then ordered to Chattanooga and Missionary Ridge, and latterly, Look-out-Mountain where the confederate General Briggs, was compelled to evacuate by the storming of Grant's army. March, 1864, he was placed in full command of the Union army and located his headquarters with the army of the Potomac. With 700,000 men under arms and unlimited power, it was then his marvellous skill as a military King was displayed to the world, by the attacks he made upon Richmond and Atlanta; he pitted Gen. Mead against Lee at Richmond, and Gen. Sherman against Johnson at Atlanta. It was the backbone of the confederate's defences, and General Mead experienced a very difficult task in matching Gen. Lee, owing to Lee's craft and tact in manipulating his forces in ambush fashion; suffice it to say in this brief reference that these sieges were dreadful; the Federalist's losses reaching 55,000, and the Confederate's losses 32,000, (this was from May 3, to June 15). This was somewhat discouraging to the President and he communicated with Grant as to future prospects, and Grant's stern reply was, "I propose to fight it out on this line if it takes all summer." Grant then began his siege of Petersburg, which ended after the victory of Five Forks in April, 1865, when Richmond was evacuated and Lee retreated, followed by Grant, who forced his surrender at Appomattox Court House, April 9. (See the "Battle of the Wilderness.") After the war Grant fixed his headquarters at Washington; and on July 25, 1866, he was commissioned General of the United States armies, a rank specially

created for him. During the suspension of Secretary Stanton by President Johnson, he was appointed Secretary of war *ad interim*, from August 12, 1867, to Jan. 14, 1868. At the republican National Convention in Chicago, May 21, 1868, he was nominated for President with Schulyer Colfax for Vice-president. They carried 26 States, and received 214 electoral votes, against 80 for Seymour and Blair. He was inaugurated on March 4, 1869, and as he was in political accord with the majority in Congress, the reconstruction of the latest rebellious States, which had been delayed during Johnson's administration, now went smoothly on. The act to enforce the provisions of the 14th amendment of the constitution was followed by a Presidential proclamation exhorting obedience to it. In 1871 he unsuccessfully urged the annexation of Santo Domingo as a Territory of the U. S. A court of arbitration at Geneva, Switzerland, in 1872, awarded \$15,500,000 to be paid by the British Government to the United States for damages to American commerce by confederate cruisers fitted out in British ports. At the Republican National Convention held at Philadelphia, June 5, 1871, he was nominated for President and Henry Wilson for Vice-president, and were elected by a popular vote over the Democratic candidates of 762,991, and an electoral vote of 268, against 80. It was during the close of this 42d Congress that the salary of the President was raised from \$20,000 to \$50,000. The last term of his administration was one that the country will long remember; financial distress was spread broadcast throughout the land; and to make matters worse, his administration was held largely responsible for the cause. After his term of office expired, he determined to gratify the longing of his life, to go around this planet. In 1872 in company with his wife and youngest son, he sailed on the steamship *Indiana*; the flags waived and the salute from guns thundered their *bon voyage* to him as the majestic steamship left the shores of the country that he had so indulgently and earnestly, by his bravery and wisdom defended and extricated from the meshes of devastation and disunion. His reception beyond the sea in that old fashioned land, reads more like a fable than facts, but that Britons honor a good soldier as no other men can, was in the noble General's case abundantly exemplified. Monarch's, noblemen, statesmen, chancellors and bishops, whose unbending formalities time has hardened to a stiffness that is almost impregnable, cast off their rules and the "Freedom of the Soldier" like the sunlight sparkled in the most stately halls to honor America's greatest soldier. After his return he chose New York City as his home, and good and proud she was of her illustrious citizen; he engaged in political conflicts, but very little afterwards; he was sought for a third term in 1880 but as held himself, it was a proceeding opposed to the traditions and precedents of the government of the United States. While at Long Branch in 1884 he discovered cancerous affection in his throat; the disease made its slow but certain progress until July 23, 1885, when the great pageant of an American soldier closed his eyes in death, amid the surroundings of his beloved family, and the sympathetic mourn-

ing of a grateful nation. His widow has published the history of his life and military career, which is one of the most interesting works of a biographical character ever published in this country.

RUTHERFORD B. HAYES.

Nineteenth President, March 4, 1877 to March 4, 1881.

Rutherford B. Hayes was born in Delaware, Ohio, October 4, 1822; his father had died the July before he was born; he came from New England stock, and originally from the Green Mountain State of Vermont. His early childhood was a smooth, comfortable and prosperous one. No struggle with poverty, and no anxiety over a preponderance of wealth. He was at an early age sent to the academy at Newport, Ohio, and later he was sent to Middletown, Connecticut, and lastly he completed his studies in Kenyon College, Ohio, where he graduated in 1842. He then entered the Harvard Law School and attended this for two years, and then finished his legal course, and is what may be termed a highly educated lawyer. He entered upon his professional duties and having within his acquaintances many very prominent people, he soon established a very extensive practice. In the civil war he was appointed major of the Twenty-third Ohio Volunteer Infantry; he was appointed judge-advocate and afterwards lieutenant colonel. He had a brilliant career in the battle of South Mountain, September 14, 1862, in which he received a bullet wound that forced him to leave the army for a time, but as soon as he recovered he again took charge of the troops. There were other men whose services were more prolonged and more said about, but what General Hayes did, was well done. He was afterwards promoted to the rank of Brigadier-General. He was nominated while serving his country in the battlefield, for Congress, and elected December 4, 1865. In 1867 he was returned as Governor of Ohio, and afterwards elected again to the same position. After this he retired to his home in Fremont, Ohio, where he had settled in early manhood. In June, 1846, to his surprise, he was nominated as the Republican candidate at the National Convention and subsequently elected, although the contest as will be remembered resulted in both the Democrats and Republicans claiming the office, causing considerable disturbance and anxiety in every quarter; but at last the country settled down tranquil and confident. He had very decided opinions on civil service reform, and he sought to promote this idea generally. The Hayes administration conducted the affairs wisely and well, and allayed all the bitterness of the hustings, during the election. He is along with Grover Cleveland the only surviving ex-president, and it is a pleasing fact that Ex-President Hayes is, with his estimable companion in life, spending the sunset of his days in comfort, health and happiness, in his home at Fremont, Ohio.

JAMES A. GARFIELD.

Twentieth President, March 4, 1881 to July 2, 1881.

James A. Garfield was born in a newly raised log cabin in Orange, Cuyahoga County, Ohio, November 19, 1831. His parents were of the earliest Puritan settlers of Massachusetts; his father being of English extract and his mother of the French Huguenot lineage, who settled on the Isle of Guernsey at St. Peter's Port, its present capital. James A. was the youngest of four children, and was only eighteen months old when his father died. It can by most people be well imagined the picture of his early surroundings; a backwood's home, a widowed mother with four children and no money. Mr. Garfield's first innings in life bear resemblance to that of Lincoln; and while it may seem tiresome to point out the beginnings of many of this country's great men in this manner, it is well to impress the fact that the footprints of these men will remind us all that the beginning of a successful life may start from any home in the universe, rich or poor. His early education was very limited; the district school and borrowed books comprised the departments of tuition open to him; these he utilized as best he could. His occupation consisted of working on the farm, an apprenticeship at carpenter work, and driving mules on the canal tows. In 1849 his ambition had a fortunate turn and he was enabled through the assistance of a benevolent clergyman to enter the Chester academy, and later, Hiram college, an institution founded by the Disciples. His college expenses a kind uncle contributed \$500 towards. He entered William's college and from that he graduated and upon his return to Ohio he accepted a professorship in Hiram college, and subsequently its presidency. Concurrent with his duties in the college he set about studying law. Upon slavery he was the follower of Lincoln as near as thoughts can run in the one current. In 1859 he was nominated for State Senator and elected. In 1861, he with thousands of other patriotic men who believed they had a country to live or die for, set about organizing a volunteer company, known as the "Forty-Second of Ohio." To the front they went with Col. Garfield at their head. And he met Marshall in the Big Sandy campaign at Prestonburg with victorious results. After this he was promoted to the rank of brigadier-general by the President. He was in the engagements of Corinth, Chickamauga and other sharp skirmishes. He then left the army and was elected to the House of Representatives, where he devoted seventeen long years in the interests of his country, serving them with all the forces of his intellect, and with all the devotion of his heart. The range and enumeration of his Congressional labors cannot even be recounted in the brevity of this notice in abstract; they deal with an immense variety of interests; suffice it to say they were the burning issues of his day. General Garfield like Senator Edmunds, was a political student, that improved every moment he could snatch from other duties to acquiring substantial knowledge; and the result was that he became as is vulgarly

known "A library on legs." What he did not know of the issues of the United States internally and externally was not worth knowing. In 1880 he was at the Republican nomination held at Chicago nominated for President, and in November afterwards elected. Shortly after his inauguration the political situation became very trying over the appointment of Judge Robertson to the New York Custom House. Senator Conkling and his colleague Platt, had resigned their seats in the Senate, and sought by appealing to their constituents to secure by their re-election a rebuke to the administration in its course; but in this they were deceived, as they met with a diminished support. The morning of July 2, 1881, dawned outside of this political disaffection, upon a peaceful and prosperous nation, when the President in company with Secretary Blaine was at the depot in Washington leaving for a midsummer vacation at Elberon, when he was assassinated by the notorious fiend, Guiteau. The long weeks of suffering and strained anxiety that spread over the nation, and indeed civilization, is and must be fresh in the memories of every one. Though the skill of eminent physicians baffled off death until the 19th of September, the vigorous man of life and limb, of love and learning, at last yielded to the mastery of death, as so admirably expressed by Burns in his Robert Bruce's address to his army when charging upon the English at Bannockburn."

"Scots, wha hae wi' Wallace bled,
Scots, wha Bruce has often led;
Welcome to your gory bed,
Or to a glorious victory."

CHESTER A. ARTHUR.

Twenty-first President Sept. 20, 1881, to March 4, 1885.

Chester A. Arthur was born at Fairfield, Vermont, October 27, 1830. He was the son of a Baptist clergyman, who in his early youth emigrated from that dear old isle beyond the sea, Erin. Chester was the firstborn, and grew up a bright, vivacious lad, with strong domestic attachments. He had the advantages of his father's library, and a happy loving home influence. At fourteen he was sent to Union College, where his career is said to have been marked with diligent study, and royal gallantry among his associates in all their college amusements. Upon his completing his college course and graduating, he went school-teaching; when he had earned a few hundred dollars in this humble sphere, he started for Gotham to study law, when he seemed to have planted his natural propensities where they developed with extraordinary rapidity. His abolitionist principles were very strong, and his whole being seemed to be ablaze with defending the "man-in-chains" upon the old plantations. In 1855 he became judge-advocate of a brigade of New York militia, and afterwards inspector-general of the State. In 1871 he returned to his lucrative law practice, whereupon he was

appointed, by President Grant, Collector of the Port of New York (the money presidency of the United States); he held this appointment until his nomination for the vice-presidency at Chicago, 1880, and was duly elected. On the death of General Garfield, September 20, 1881, Arthur took his oath of office as President of the United States, under most trying circumstances; but, true to the tact of his historical race, he majestically tempered his steel to the situation, though regarded with coldness and doubt by the largest wing of his own party, of which he was acutely conscious. The adverse criticism that usually falls to an incoming ruler, was especially annoying and oppressive in his case, but his inaugural was reassuring of a determination to administer his high office without fear or favor, and to this he adhered during his term of office. He elevated the honors of the office of second degree to that of the highest degree of respect and admiration. After his term of office he returned to his vocations in New York, until his unexpected demise, November 18, 1886.

GROVER CLEVELAND.

Twenty-second President, March 4, 1885, to March 4, 1889.

Grover Cleveland, the "Veto President," was born in Caldwell, New Jersey, March 18, 1837. His father was a Presbyterian clergyman, of English ancestry; his mother the daughter of a Baltimore merchant, who was an Irishman. Mr. Cleveland's early education was mostly in the common schools and the academy at Fayetteville. Afterward the family removed to Clinton, Oneida County, New York, where Grover resumed his studies in the academy. As a matter of course, a country minister was not rich, and the advantages which the eye may see are unreachable by millions without riches, and this was commonly Grover Cleveland's position. At the age of seventeen he was engaged through the influence of friends of his father as an assistant teacher in an institution for the blind, in New York City. In 1855 he abandoned this and went to live in Buffalo, where his destiny was to keep him. He rendered assistance to his uncle in preparing a literary work, and then commenced to study the dry history of law suits as recorded by Blackstone. In 1859 he was admitted to the bar. His early management of cases were marked with simplicity and sound logic as practical and convincing as the fountain from which he learned it. It may be said of Mr. Cleveland that he was not a model young man, that he was not popular, that he was not bright; when prejudices and possibly jealousy are fired into the tongues of his fellowmen, but those who know his personal character best, and who have no reward to gain by polishing over his infirmities, know naught of many accusations made against him; but they do know that he was always matter-of-fact and never forward in vaunting what he knew or could do before the foot-lights of public opinion; they do know that his official actions in his first office of Mayor of Buffalo, in 1881,

were marked by his conducting the office upon business principles, fearlessly using his prerogative in checking extravagant expenditures. In the Democratic convention at Syracuse, N. Y., he was nominated for Governor of the State, and duly elected by the people. In this position the same matter-of-fact style marked his purpose to serve the people faithfully, humbly and well. In 1884 the Democratic National Convention at Chicago nominated him for their candidate. The canvass was pursued with the most shameful rancor, bitterness and personal defamation. The Republican party that carried the elections of the previous quarter of a century, was shaken by dissensions, partly political, and partly of a personal character. Such men as Senator Edmunds dissenting to enthusiasm over the results, and the Democratic candidate, Grover Cleveland, was elected. His administration was handi-capped by the Senate being politically in majority against his cabinet. He aimed to give the country a pure, honest government, uninfluenced by the power of combines or money kings; he sought to relieve the people from burdensome taxation, not for political popularity, but as the head of this great nation, weighing the future prosperity in calm and just executive. That he may be called opinionated and isolated, seems possible, but that his motives were the interests of this nation, are impressive facts. Among the many achievements of his regime and its consequent attributes, his taking the hand of Miss Frances Folsom in marriage, will be in the history of this country, a pleasant and honored part. In June, 1888, the Democratic Convention assembled at St. Louis, re-nominated him, and although the campaign was between him and General Harrison, the direct opposite of 1884, he was defeated. He has with that profound good sense and sincere grace accepted the answer of this country in perfect reconciliation; he left the chair with his last presidential act marked with the dignity and understanding that characterized his every act; he has left with his noble lady the brilliant reception rooms of the White House for their home in New York, with the amazing simplicity of change that is sufficient to make the realms of kings and queens beyond the sea, surprised at this great American nation's quiet transition of rulers.

BENJAMIN HARRISON.

Twenty-third President, March 4, 1889.

Benjamin Harrison was born at North Bend in the old Harrison homestead on the Ohio River near Cincinnati, August 20, 1833. The Harrisons belonged to the old Virginia Colonists, were all factors in their day and generation, in the Independence of the United States. The family's history bears evidence of virtues that make good citizens and good homes. Piety and strict integrity of character was Benjamin's home example; he was the second son. The first public school he attended was a log cabin of the old size "twenty by thirty," which was only a short distance from his own

father's home. After the lad was "too far advanced" to be taught by the country pedagogue, he was sent to an Academy known as the "Farmer's College," and after two years tuition in this institution, he was entered in Miami University. His college conduct was that of a very orderly and unassuming student; attentive to his studies and respectful to his teachers and class-mates. He is said to have been very slow, but particularly accurate. When an answer was given by Benjamin Harrison, it was correct, and to this day it is by his familiar friends said to be his predominant trait of character, this combined with a retentive memory, has built up a very substantial man of knowledge. After graduating from college he entered a law office in Cincinnati, and set about the study of law. He was barely twenty, his studies not yet completed, when he married Miss Caroline W. Scott, the accomplished daughter of a President of an Academy. By perseverance and strict economy he completed his law course, and to make matters more successful, he inherited a few hundred dollars by the death of an aunt. In company with his young bride he removed to Indianapolis, and there entered upon the practice of his profession. He has told of his privations out in their new home, and has seriously remarked, that to possess a five dollar bill, was an event seldom occurring. In 1860 he was nominated by the Republican Convention for Reporter of the Supreme Court and was elected. He was not a "wordy orator," but a reliable effective and courteous counsel; losing at no time his temper or descending to abuse of his opposing counsel. In 1862 he resolved like thousands of others that it was imperative to do something for his country, and he accepted the commission of colonel of the 70th Regiment of Indiana Volunteers. He marched with his company to Bowling Green. He remained with his regiment until the close of the war. He was in the battles of Resaca, of Kensaw Mountain, of Peach Tree-Creek, and proved himself a good soldier and popular commander. His goodheartedness to the wounded and sick, is well known by those who served under him. When the war closed, he retired with the rank of brevet brigadier-general. In 1876, he declined the nomination of Governor of Indiana, but through great pressure of his party he stood and was defeated. In the Convention at Chicago in 1880 he declined to be a candidate, and gave all his support and influence to Gen. Garfield. Upon Garfield's election he was offered a portfolio in the cabinet, but declined it. He was at the time elected United States Senator, where he served his country for six years. In 1884 his claims to the office of President were again discussed. In 1888 at the National Republican Convention held June 19th, at Chicago, he received the nomination and was elected to the Presidency. His actions since his election have been marked with a degree of wisdom becoming his high office; silence and reservation throughout. His cabinet is a remarkably strong one in many respects. The Secretary of State, Mr. Blain, a man of world-wide distinction; and the rest of his cabinet all good business men, as well, being otherwise well posted upon political jurisprudence; that he will be able to give this

country a sound and good administration, is visibly unquestionable. Yet should intrigues of money kings and monopolists seek to tighten their web around the executive, as they are doubtlessly on his side of the house, no matter how good his purposes may be, he will be more than human if he does not in some respects disappoint this great country. That high tax combines, monopolies and corporations are moving the very mountains to control and centralize, a blind man can instinctively see. We speak not of the President as a politician or party man; but as one who admires his course so far, and sincerely trust to be able to do so, when his term is completed.

PART IV.—CHAP. VIII.

HER MAJESTY, QUEEN VICTORIA, AND HER FAMILY.

Her Majesty, the Queen of Great Britain, and her family, are the most historical in the world. To attempt a general outline would be out of place, as well as too extensive for a work of this kind. To give a few of the facts that ordinary persons can fasten to memory, as an attribute of their knowledge, is all that will be attempted in the following:

Her Majesty was born at Kensington Palace, May 24, 1819; succeeded to the throne June 20, 1837, on the death of her uncle, William IV; she was crowned Queen of Great Britain and Ireland, June 28, 1838; she married Prince Albert, Feb. 10, 1840. Her Majesty is the only child of the Duke of Kent, who was the son of George III. She has since her coronation been created Empress of India. Her Majesty's estates and her income therefrom, are said to exceed that of any other woman in the world. Her residences are: Windsor Castle, situated in West London, a portion of the city that was formerly called Eaton, now annexed to London by a bridge across the Thames; this castle was founded by William the Conqueror; the buildings cover twelve English acres of ground; it is occupied by her during the winter season. Her summer residence is in the Scottish highlands, known as Balmoral. It is 900 feet above the sea level; the estates comprise 100,000 acres, including a park of 1,000 acres, having 30,000 trees planted within it. Her third residence is Osborne Castle in the Isle of Wight, near Hampshire, in the English Channel; this she visits for sea bathing and air. Her income, from the estimates given from the best authorities, place it at \$2,500,000 annually. Her charities are very extensive, and extend over the whole world. Her most striking characteristic is her rigid order of living.

Princess Victoria Adelaide Mary Louisa, her first born child, (Nov. 21, 1840,) married the crown prince of Germany, Jan. 25, 1858.

Albert Edward, the Prince of Wales, was born Nov. 9, 1841, and married Alexandra of Denmark, March 10, 1863. He is the heir to the throne next in succession; next to him is his son, Albert Victor, born Jan. 8, 1864.

Alice Maud Mary, the third eldest of the Queen's family, was born April 25, 1843, and married Frederick Louis of Hesse, July 1, 1862. She died December 14, 1878, by contracting diphtheria from nursing her own children.

Alfred Ernest Albert, Duke of Edinburgh, next eldest, was born Aug. 6, 1844; was married to the Grand Duchess Maria of Russia, Jan. 23, 1874. He is very fond of the army.

Helen Augusta Victoria, the fifth child, was born May 25, 1846, married Prince Frederick Christian Charles of Schleswig Holstein, July 5, 1866;

Louisa Carolina Alberta, the sixth child of Her Majesty, was born March 18, 1848; married the Marquis of Lorne, the eldest son of the Duke of Argyle, March 21, 1871; this is the only member of the royal family that has married a subject of the crown.

Arthur William Patrick Albert, Duke of Connaught, the seventh member of the royal family, was born May 21, 1850; married the Princess Louise Margaret, daughter of Frederick Charles of Russia, March 13, 1879. He was by the wish of his father, Prince Albert, baptized Patrick, to give respect to the commonness of "Pat and Paddy," and with the Prince's own request made Duke of Connaught for a similar object, as the Irish who were born in that province were sneered at as a low grade of Irish originating from a class who lived almost as hermits in the mountains, in mud huts, and distilled what is known as "Pauteen" whiskey.

Leopold George Duncan Albert, born April 7, 1853; married Princess Helen of Waldeck, April 27, 1882; died at Cannes, Spain, March 28, 1884; was the most literary member of the family.

Beatrice Mary Victoria Feodore, the youngest of the family, was born April 14, 1857; married Prince Henry of Battenburgh, July 23, 1885.

All of the sons bear their father's Christian name, Albert; and three of the daughters that of their mother, Victoria. Two of the family are dead, seven are yet living, nine of her children were born within seventeen years, the first five within so many years. She has thirty-seven grandchildren and eight great-grandchildren.

COST OF MAINTAINING THE ROYAL FAMILY AS PAID BY THE GOVERNMENT.

Her Majesty the Queen receives annually	\$1,929,000
Prince of Wales	200,000
Princess of Wales	50,000
Prince Albert Victor	50,000
Crown Prince of Russia	40,000
Duke of Edinburgh	125,000
Princess Christian	30,000
Marchioness of Lorne	30,000
Duke of Connaught	125,000
The Duchess of Albany	125,000
Duke of Cambridge	30,000
Duchess of Mecklenburgh-Strelitz	15,000
Duchess of Cambridge	60,000
Duchess of Teck	25,000
Total	\$2,834,000

SALARIES OF THE BRITISH PRIVY COUNCIL AND OTHER PROMINENT PERSONS.

Members of the British Cabinet receive £5,000 a year. The Lord High Chancellor receives £10,000. The Lord Chief-Justice £8,000 and the other Judges from £5,000 to £6,000. The Archbishop of Canterbury gets £15,000 and the Archbishop of York £10,000. The Bishop of London also gets £10,000, and the other Bishops from £7,000 down to £2,000 which latter is the small stipend paid to the Bishop of Sodor and Man. The fattest salaries are paid to the Viceroy of India and Ireland, the former receiving 20,833 rupees per month, and the latter £20,000 per year. The Governor-General of Canada has only £10,000. The British Ambassador at Paris receives £9,000, at Vienna and Constantinople £8,000 each, at St. Petersburg £7,800 and at Berlin £7,500, United States £7,500.

PART V. CHAP. VIII.

SKETCH OF SIR JOHN A. MACDONALD, K. C. B., HIS LIFE AND TIMES AS A LAWYER AND STATESMAN.

The subject of the sketch, Sir John A. Macdonald, whose name has been identified with the politics of Canada for the past fifty years, is the second son of Hugh Macdonald, of Dornoch, Sutherlandshire, Scotland, and was born January 11, 1815, in George Street, Glasgow, Scotland. The family emigrated to Canada during the summer of 1820, and settled in Kingston, Upper Canada (now the Province of Ontario); after four years the family removed to Quinte Bay, in the adjoining county of Prince Edward, leaving John Alexander at school in Kingston. The nearest town or village to the Macdonald settlement was Adolphston; the entire settlement was composed of New Englanders who had declined to sever their loyalty to the British Crown; and are known as U. E. Loyalists. In this settlement were included the Hagermen's, Macleans, Ruttens, Gowans and Harrison families, all of whom played a distinguished part in the government of Canada, and its advancement in every department of its civil and colonial history; consequently the world wide reputation that Sir John gets of patriotism to Canada and the home government, is but the natural production of early influences. The privations incident to "roughing it in the bush," did not allow the Macdonald family to escape, but gave them, if anything, more than their share; however, with much self-denial on the part of the family, the lad was kept at school and subsequently placed under the tuition of Dr. Wilson, at the Royal Grammar School, in Kingston. Dr. Wilson was a Fellow of the Oxford University of England. In 1836 the family left Adolphston and took up their residence in Kingston; young Macdonald was taken from school and articulated to Mr. George Mackenzie, barrister at law. He had no college or classic training, but like Bobby Burn's guinea stamp, "he was guid for ah-that." After three years a student, and three years more of practice, he passed his examination at the head of the list before the Upper Canada Law Society, and was presented with the barrister's gown and blue bag. Contrary to the universal belief, Macdonald was a student of the most exemplary habits; he was a witty and humorous conversationalist, and his companionship always courted, but as a wild town gallant in sprees, he never joined in any manner. After he graduated, he opened an office in Kingston for the practice of his profession, and was soon appointed solicitor for the Commercial Bank and the Trust and Loan Company of Canada, the latter he retains in Toronto to this day, through his associated partners. About this period the storm of Rebellion in lower Canada under Papineau, and in Upper Canada under William Lyon Mackenzie was

commencing to rage; it was a resistance of oppression, similar to what brought about the Independance of the United States. Up to 1838 young Macdonald had not distinguished himself particularly, until Von Shoultz a Pole, the leader of what was known as the Hunter's Lodges that attempted an invasion of Upper Canada, along with the Lyon Mackenzie discontents at Prescott, was captured and imprisoned at Kingston, and Macdonald was engaged as counsel for the prisoner. The bright young lawyer's appeals in behalf of the prisoner, though fruitless in saving him, will be long remembered by those who heard it, or heard accounts of it. Pity lay at the heart of Macdonald for the poor foreigner, who had been expelled from his own native land by the unjust hand of oppression, and thought that the Mackenzie discontents should in Canada receive any assistance he could give them. This trial gave John Macdonald a wide reputation throughout Canada, and one that has continued to this day. After this Macdonald entered into partnership with Alexander Campbell (now the Lieutenant Governor of the Province of Ontario) in the practice of law in Kingston, and among the students they had articulated was Oliver Mowat, the clever, cautious little Scotchman that has been the head of the empire province of Canada (Ontario) during the last quarter of a century, as Attorney-general. Macdonald's first public office was as alderman in St. Lawrence ward in Kingston in 1843. During the rupture between Sir Charles Metcalfe, the Governor of the Canada's, and his cabinet, in which Sir Charles was in league with the Family compact; Macdonald took a modest part. One of the things no doubt he has ever since regretted. It was in point of fact a despotic rule by the Governor, regardless of the people's will or wishes. About this time George Brown visited Canada from New York, canvassing for a weekly paper called the *British Chronicle* that he was going to publish in Toronto, which afterwards developed into the *Globe*. George Brown and his paper unceasingly opposed Macdonald from its embryo to his death, and is yet, with its successors, his most formidable opponent. In 1844 Macdonald received at the hustings in Kingston, the nomination of the old tory party. This election was one of the most exciting the warrior has ever fought. It was a mixture of factions. Orangemen, Roman Catholics, Secessionists, &c. It is said that whiskey, and blood from cut heads, flowed as freely as at Doneybrook Fair; but out of the "guzzeldom" Macdonald came a victor.

His first attendance in Parliament was not marked by any anxiety to "stick his gab in" as most parrot politicians do for the gabbing sake. His attitude was quite unassuming as it is to this late day in his public life. One of his definitions of a speech is: "speak when your words will add force to an attack or strength to a defence" and he lived up to that rule. He never attempted to enter upon a debate, until he was posted upon the merits of the question discussed, and then with short, noncommittal speeches, usually sweetened with a little humorous witticism of his own. His first speech in the house afforded him the opportunity to record his devo-

tion to the Empire that he has so long and faithfully served. It was his advocacy of the law of primogeniture; contending that such English statesmen as Pitt and Fox, would never have been more than everyday country squires, were they not left estated gentlemen by the old English law of primogeniture. During these days the conflict kept going on between the Governor and the government, toryism against constitutional government. In 1846 Lord Elgin was appointed Governor and Sir Charles Metcalfe recalled home. The new Governor was a more moderate man and had at an early day in his administration manifested a will to adhere to the prerogative of the people instead of his own. In this parliament Macdonald was appointed Receiver-general, (this is what was known as the Draper administration), and afterwards removed and given the Commissioner of Crown Lands Department, but his term of office was cut short by the government being defeated upon a division in the House, necessitating an appeal to the country. After the election to test the strength of the two parties, a division was taken on the election of the Speaker of the Commons, when the result showed the tories defeated by 54 to 19; this placed Macdonald and his party on the opposition seats. The Governor called upon Mr. Lafontaine to form a cabinet. No sooner had the new ministry taken office under this French leader than a bill was introduced to indemnify Lower Canada to the amount of \$500,000 for the damages of property during the riotous days of "37-8". Macdonald entered a most telling protest against this Act, and for the first time in his life learned that it was unpopular to interfere very prominently against the French Canadians. The bill was passed and although the whole country was scoured by petitions, for and against it, to the Governor to disallow the bill, it was signed by him and became law. Upon the heels of this followed a repetition of the feuds and conflicts, which were equal to the one that the Act proposed to recompense Lower Canada for damages; the Parliament buildings at Kingston were burned and the government offices throughout the country sacked and damaged; disorder and outrage madly danced o'er the land. Macdonald though opposing the Act now saw that pacific efforts must be adopted or annexation to the United States would surely be the outcome; his speeches in this line were in their way calculated with a degree of diplomacy not unlike the tact of Disraeli's at the European convention at Berlin, where the London *Punch* represented the great English statesman walking a rope with the balance pole of "Peace." To Macdonald's tact at this critical moment can be largely attributed the fact that Canada exists to-day. In this Parliament, while in opposition, Macdonald was a prominent and dangerous debator; his opposition to the extension of representation, and the University bill, and the bill to restrain the sale of intoxicating liquors was most effective and largely embarrassing to the government. He maintained that the "government could not legislate men to be sober, any more than to be religious." In 1854 a new party was constituted out of the remnants of the old tory party,

known as the Liberal Conservative party, which at the general election was carried into power. Sir Allan MacNabb was elected Premier and John A. Macdonald Attorney-General for Upper Canada and the Hon. A. N. Morin, Premier of Lower Canada; known as the MacNabb-Morin administration, and later Mr. McNabb resigned the Premiership to Macdonald and Mr. Morin to Mr. Tache, which was then termed the Tache-Macdonald administration. Sir Edmund Head was at this time appointed Governor in the place of Lord Elgin. The general elections came on the next year and for the first time Thomas D'Arcy Magee, Hector Langevin, Oliver Mowat and John Carling were returned to Parliament. The opening of the session in 1858 the Tache-Macdonald administration held office, but before the close of that Parliament were defeated on a division motion of adjournment by 60 to 50. The Ministry resigned and the Governor called upon the Hon. George Brown to form a cabinet, which he did, by what is known as the "Double shuffle." This administration was called the "Brown-Dorin" or the "Will-of-the-wisp" Parliament; at all events it was short-lived. This afforded John A. Macdonald the only and first opportunity to get his foe where he could brandish his sword over his head and George Brown fully realized that he was not in his quiet editorial sanctum in the "Globe" office, when he was arrayed on the opposite seat from Macdonald. It has been said that so dismayed was he by the open eye of Macdonald that he through cowardice relinquished his Premiership; at all events it did not last long. The Governor then called upon George E. Cartier to form a cabinet; Cartier appointed John A. Macdonald Premier of Upper Canada and himself of Lower Canada; this administration was called the Cartier-Macdonald administration, which remained in office until 1861; when upon a resolution introduced by Mr. Macdonald, called the Militia Resolution, it suffered an adverse vote of want of confidence and was forced to tender its resignation. The Governor then asked Sandfield Macdonald to form a cabinet, which he did by joining hands under a partial coalition with Sicotte of Lower Canada; this administration lasted with changes in the cabinets occasionally until the session of 1864, when dissensions forced them to resign, and John A. Macdonald was called upon to form a cabinet. At this change the first move of confederation of the provinces was conceived as a means of harmonizing the strifes that brought about repeated elections and change of cabinets in the past, rendering government a farce more for the rant of conspiracies than a parliament of a civilized people. Macdonald and Sir Alexander Galt called upon the leader of the Reform party, George Brown, with a view of joining issues with this object in view. Brown conceded that something must be done or that government would soon be an impossibility. Consequently Macdonald and Tache called upon George Brown and Oliver Mowat of Upper Canada and Dorin and Lefontaine of Lower Canada as Reformers, and Thomas D'Arcy Magee, Alexander Galt and Hon. William Macdougall, as Conservatives of Upper Canada, as members of the

coalition cabinet. Co-operation of the parliaments of Nova Scotia, New Brunswick and Prince Edward Island to appoint delegates to meet in September at Charlottetown, Prince Edward Island, at a Confederation Convention. This became from the day that Macdonald formed the ideal, the apparent ambition of his life. He saw a future nation, and that he might possibly sway its destinies. At the convention so unanimous were the delegates for confederation that the only obstacle apparently arose was the location of the capital: the convention arose only to meet again in Quebec on the 10th of October, where the only important furtherance to the scheme was an effort to embrace the codfish island of Newfoundland by sending a delegation to the government of that colony; and a partial resolve to name Ottawa as the future capital of the new Dominion of Canada. Parliament of the Canada's met on the 19th of February, 1865. The confederation delegation submitted their report and recommendation. It met with strong opposition by a number of the members, and, in fact, some of the cabinet ministers, but a resolution was introduced by John A. Macdonald praying that Her Majesty's Government would be pleased to have a measure recommended to the Imperial Parliament empowering a confederation of these provinces, including Newfoundland, and it was carried by 91 yeas and 33 nays. The parliament appointed Macdonald, Galt, Brown and Cartier to proceed to England and present the scheme before the Home Parliament. Macdonald's scheme was, as is not generally understood, to have no provincial parliaments; he maintained that it was uncalled for to have so much government, and the wisdom of his foresight has by this time been forcibly demonstrated, by not alone the collision of authority, along with the senseless over representation. A lot of M. P. P.'s, living upon the provinces by their sessional indemnities, who are no earthly use to their constituents, but a burden to the provinces. Prof. Goldwin Smith describes it thus: "For a population of five millions, we have eight kings, one central and seven provincial (the governor and lieutenant governors), as many parliaments and sixty-five ministers of the crown; while England is content with a single queen, a single parliament and the members of which are not paid." The scheme was pressed upon the Imperial Parliament with much astuteness and force, and John Bull put it in his pipe and smoked it, and resolved to grant a loan to build the Intercolonial Railroad, as the maritime provinces did not take to the scheme as favorably as their delegates, as the elections showed that not one of the delegate members was elected. In the Canadas' parliament in session at Quebec the Hon. George Brown was seeking to withdraw from the cabinet that he had become a member of with the avowed understanding that he would stick to it until confederation would be a fact. It is but fair to this brilliant, patriotic man to say that he was so constituted that he could not forego anything he mapped out, and, as the confederation scheme was getting more of Macdonald's hoops on it than Brown's, it naturally made it objectionable to him. During these years the American war had advanced every

commodity in Canada to fabulous figures, and all branches of industry received a great impetus. When President Lincoln was assassinated the tragic news stood aghast throughout civilization; resolutions were passed throughout Canada expressing heartfelt sympathy for the untimely end of the great friend of liberty. On one of these occasions the speech of John A. Macdonald was a most powerful valuation of Lincoln's worth. The following is a brief extract: "Never before has the heart of civilization been so greatly stirred; monarchs, heroes, patriots have passed away in the quietness of natural death and upon the battle fields, but in the cruel, atrocious and treacherous assassination of President Lincoln the home and family wherever spread of civilization has lost an unpretending and unequalled friend, whose worth will never be known in its fulness until after years." In 1866 the legislature of New Brunswick met under very excited circumstances upon the confederation scheme. In November, 1866, a second delegation proceeded to England to hold a conference with the Home Government over the confederation plan, and a meeting was held December 4th at Westminster Palace; John A. Macdonald was elected its chairman. It was largely due to the masterly handling of the delegates, by forbearance, that Macdonald kept up the forging of the links in the confederation of the Dominion until it was consummated. The Hon. Joseph Howe of Nova Scotia, was the greatest barrier, but, through Sir Charles Tupper's forcible rebuttal of his protests, had no weight. Upon the 29th day of March, 1867, the Confederation bill received the royal assent, and also the guarantee of a loan of \$15,000,000, free of interest, to construct the Intercolonial railroad from Halifax to Montreal. It did not, however, embrace Newfoundland, as it resolved to have nothing to do with the scheme, and therefore was not coerced into it. The site for the Parliament buildings and the capital was left to the governor-general, who was Lord Monck. The next act in the confederation play was a general election, which was proclaimed throughout the Dominion under the new constitution and upon the assembly, by royal proclamation, of the first Dominion Parliament of Canada, the historical duty devolved upon Lord Monck to call upon the man that was at one time the black, curly-headed lad of the backwoods of the bay of Quinte, to have the honor of forming the first government of the Dominion. In this first Parliament, John A. Macdonald was premier; Hector Langevin, secretary of state; Leonard Tilley, minister of customs; George Cartier, minister of public works; William Macdougall, Peter Mitchell, Alexander Campbell, W. P. Howland and A. T. Galt in other departments, several of them have remained along with Macdonald in the administration of this country in various ways since. Upon the accomplishment of confederation, Her Majesty called John A. Macdonald to England and conferred upon him the order of knighthood, and the distinction of Companion-of-the-Bath upon Tilley, Tupper, Cartier, Galt, Macdougall and Howland. Messrs. Cartier and Galt refused to accept the lower

distinction, when Macdonald received the higher, but the fact was and ever remains that to the parentage of confederation, Sir John A. Macdonald has an undisputed title; to its success he has no superior, while many estimable equals. Under the new regime Sir John has been the chief ever since, with one exception, when dethroned by the Hon. Alexander Mackenzie, who was premier from July, 1872, to January, 1879,—Sir John being charged with working in collusion with Sir Hugh Allan and one Huntington to sell the charter of building the Canadian Pacific railroad to them, to be controlled by Americans. The country was flooded with wild, groundless calumnies against Sir John, and in the frenzy of these cruel and foul slanders, he was defeated. This was the most crushing set-back of his life, and its enormity seemed the more because it was a base conspiracy of unscrupulous politicians seeking office and power. In this unsavory puddle, it is well to say, the Hon. Edward Blake or Alexander Mackenzie did not dabble, though they were the chief components of the Reform administration afterwards. The warrior had almost resolved to drop out of politics and retire after this blow, but his friends clung to him with a tenacity that made any such an attempt impossible, and in the general election of the fall of 1878, he formulated the National Policy, and went to the polls with this square issue of protection to home industries against free trade theories, and swept every pillar of the Mackenzie administration out of power. The admission of British Columbia and the purchase from the Hudson Bay Company of Manitoba and the Great Northwest Territories; the rebellion and murder of Scott at Winnipeg; the completion of the Canadian Pacific railroad; and the insurrection in the Northwest and the execution of Riel, and many other historical events, he has dealt with in connection with the government of Canada. And while we might chronicle, in our brief and unassuming sketches, many other worthy sons of Canada, whose handmarks will ever be recorded with her history, we have selected Sir John Macdonald, because, as a native born Canadian ourself, we know that the preference given to Sir John A. Macdonald will meet with an unanimous yea!! He has now attained nearly his allotted time, and has by that long period of patriotic labor proved his sincere devotion to his country and his crown, and while perfection is not claimed by himself in his public acts, no one will deny that he is other than an offering sacrificed to duty as to him seems best in the prosperity and development of the country at large. That his task has been, and remains yet to be, a difficult one, is very apparent. A mixture of nationalities and creeds, along with diversified interests and situations, is there, with all its discord. The proof that he has so long controlled the executive of the country, and that he never was as meritoriously popular as he is to-day, is better evidence of the encomiums of his devoted followers than any plaudits of a feeble pen.

Sir John Macdonald has been twice married, first to Isabella Clark, in 1843, by whom he had two children, one of which died in childhood, and the other is living and practicing law in Winnipeg.

His first wife died in 1857. Ten years afterwards he again married Susan Agnes, the daughter of Hon. T. J. Barnard, a member of Her Majesty's privy council of the Island of Jamaica. In 1865, he received the degree of D. C. L. from Oxford University, and D. C. L. from Trinity College, Toronto. As before stated, he was vested with K. C. B. by Her Majesty the Queen and subsequently the Grand Cross of the royal order of Spain. He was nominated by Her Majesty, in 1879, as a privy councillor, and has received many other marks of the Queen's approbation. It is said by good and well informed authority that outside of Her Majesty's trusted Imperial Ministers, Sir John stands the highest in her estimation. His home life is not luxurious by any means ; he lives at Stadacona Hall, near Rideau Hall, the Governor's residence, in a simple and pleasant home, excelled by numerous citizens in the picturesque capital. Lady Macdonald is a most perfect companion. It has been said by himself, as well as many of his most intimate friends, that a better union could not be possible, and to this estimable lady he attributes a very great portion of his wonderful success in life. As to his wealth it is in his country's love and admiration of him ; a heritage that will require no other devise than that chronicled in the history of Canada.

THE END.

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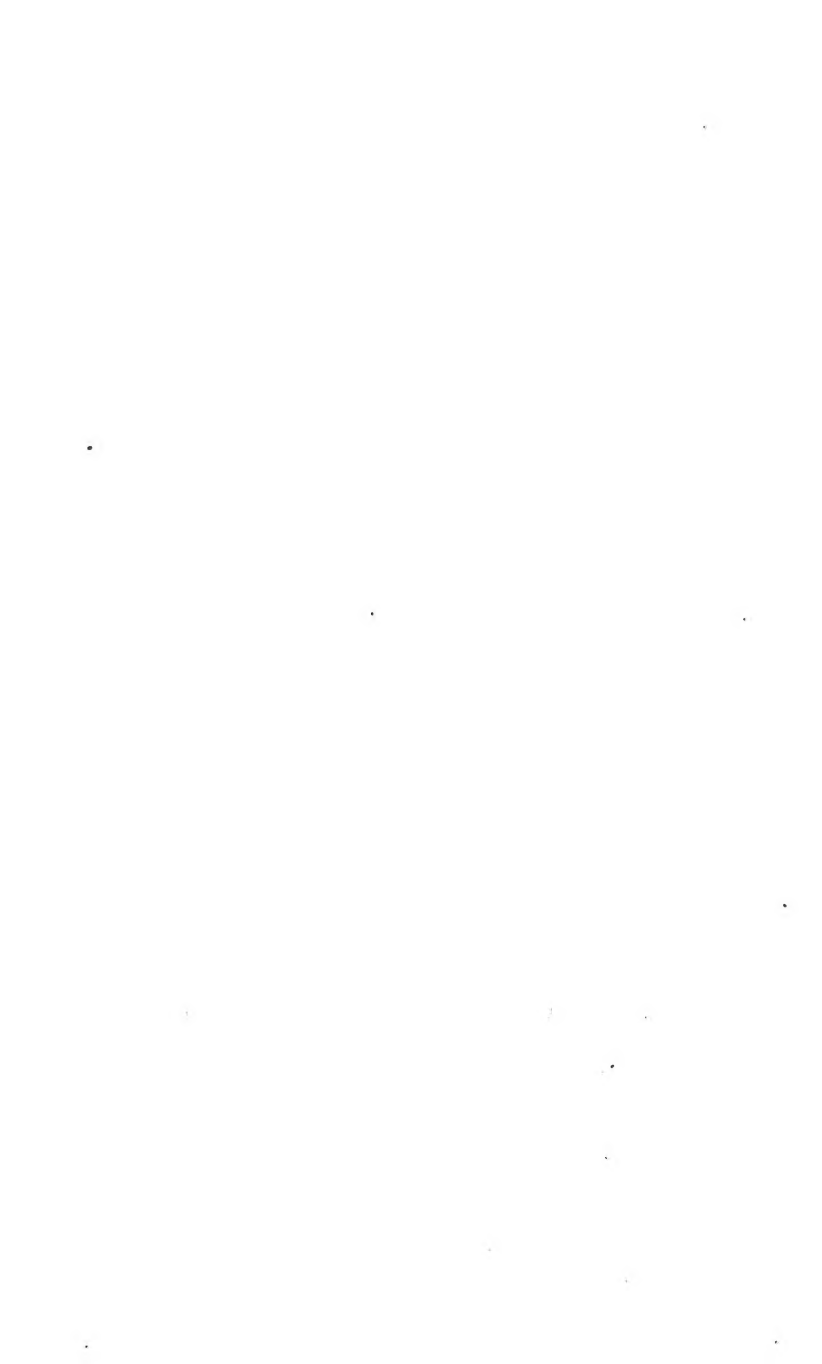
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